

Beneath the Remains

A residue of confusion remains surrounding the tragic events that unfolded during the April 19, 1993 FBI siege of the Branch Davidian compound at Waco, Texas, and subsequently led to the unfortunate deaths of more than 75 American men, women, and young children. The fire that engulfed the Branch Davidian complex at Mount Carmel, in Waco, Texas remains a subject of heated debate. U.S. Attorney General at the time, Janet Reno, and the FBI agents present at the raid claim the Branch Davidians started the fire. The surviving Branch Davidians, their Attorneys, and private investigators, as well as several historians, military experts, and various accredited theologians argue that the cause of the fire came as result of the highly flammable CS-Gas ferret rounds which were fired into the Branch Davidian complex by the FBI, during the final April 19th, 1993 siege. This paper seeks to objectively unearth the truth regarding the source of this deadly fire based on a myriad of evidence, first-hand accounts, and expert opinions, in order to conduct a thorough analysis of this senseless tragedy by determining who was truly at fault for the origin of the fire.

According to U.S. Department of Justice's official Report to the Deputy Attorney General on the Events at Waco, Texas: February 28 to April 19, 1993, processing the crime scene of the remains of the compound was essential for 3 reasons, "(1) to locate the bodies of all those killed on April

19...(2) to determine the cause of the fire; and (3) to search for evidence that could be used" to "prosecute the surviving Branch Davidians who were responsible for the deaths of ATF Agents" during the initial BATF raid on "February 28" 1993. This is the official government report issued several weeks after the April, 19, 1993 raid of the Branch Davidian's compound according to the Department of Justice's 1993 investigation.

The Branch Davidians were misunderstood by many Americans and by people abroad as well. The News media labeled them 'Cultists', without mentioning that these were an unorthodox Christian-Sect, that had been entrenched in Waco, Texas, at Mount Carmel for over 50 years, "since 1957". (Tabor and Gallagher, 38.). Before Waco, the early Branch Davidians and Seventh Day Adventist Sect from which they initially broke off from, existed peacefully in California since the early 1900's. The television and media perception of them was distorted, and inaccurate. The image created by newspapers and journalists of the Branch Davidians as a 'Cult' likely affected the FBI's gung-ho, impractical, and cruel tactics that were employed by the FBI agents present at the tragic April, 19, 1993 Siege. (*Why Waco? Cults and the Battle for Religious Freedom in America*, James D. Tabor and Eugene V. Gallagher, p.38).

The Branch Davidians are and were not a religious cult. They are a small denomination of Christians, who branched off from the 7th Day Adventists. In relation to their theological beliefs, essentially Branch

Davidians' interpret the Book of Revelation literally. They believe that once the Seventh Seal is opened, an Apocalypse will occur, ending the world. However among the faithful, Branch Davidians believe that a prophet or holy messenger, known as "The Lamb" will relay the will of the Lord to them, and unlock the divine mysteries of the 7 Seals. Davidians believe that when the end-time comes they will be raptured up to heaven and take their place in heaven beside Jesus and his omnipotent and merciful Father, The Lord, or God. In the case of the Branch Davidians at Waco, Texas, Davidian leader Vernon Wayne Howell (AKA David Koresh) became 'The Lamb', and his followers genuinely believed in authenticity of his divine revelations and theological interpretations absolutely. Koresh died of gunshot wounds, his body was recovered along with all the others, after the subsequent investigation and autopsies performed by the U.S. Department of Justice which followed, shortly after the April 19, FBI 1993 siege.

By the time he was 20, David Koresh (Vernon Howell) worshipped at a "Church of Seventh Day Adventists, his mother's church", and was soon "expelled for being a bad influence on the young people...in "late 1987", Koresh returned to "Mount Carmel in camouflage with seven male followers, armed with five .223 caliber semiautomatic assault rifles, two .22 caliber rifles, two 12-gauge shotguns and nearly 400 rounds of ammunition." David Koresh had been legally purchasing rifles from a gun dealer on the outskirts of Waco, Texas and reselling them to make a profit. The BATF thought he was stockpiling rifles for an attack and that David

Koresh and the rest of the Branch Davidians were a threat. This was the BATF and Federal Governments justification for the initial February 28, raid on the Branch Davidian compound at Waco, Texas.

Koresh and his fellow Branch Davidians “went on trial for attempted murder...the seven were acquitted and a mistrial was declared in Koresh's case.” (Joe Rosenbloom III , "Waco: More than Simple Blunders?" -Wall Street Journal October 17, 1995).

The Arson investigation was conducted by a “special” group that was primarily comprised of Texas Rangers and other Arson and fire experts handpicked by department of Justice from throughout the United States. (*Report to Deputy Attorney General on the Events at Waco, Texas: February 28 to April 19, 1993*, U.S. Department of Justice, p.1). The Texas Rangers who were charged with “Processing the Crime Scene, performing the “Arson investigation”, by "identifying the causes of death of all" those who "perished" in the fire", and “recovering evidence”. They began their work in early May, of 1993. (*Report to the Deputy Attorney General on the Events at Waco, Texas: February 28 to April 19, 1993*, U.S. Department of Justice, p.1).

According to the official Department of Justice Report to Deputy Attorney, Janet Reno, “By Monday, May 3, 1993 the Rangers had recovered the remains of 75 bodies”, “nine” Branch Davidians had left the compound before April 19th, 1993. Of the nine who left or were arrested before the

FBI siege, was David Koresh's second in command, Livingstone Fagan, a respected Theologian and devout Branch Davidian.

Livingstone Fagan was born in "St, Jamaica", and raised and educated in "England", (*Armageddon in Waco*, Stuart A. Wright, p. 117). He was a part of a 7th Day Adventist/Branch Davidian church and Sect in England, before he moved to the compound in Waco, Texas with his wife and mother, after meeting David Koresh around "1991". Mr. Fagan's wife and mother were shot to death by BATF agents during the initial February 28, 1993 raid on the Branch Davidian compound at Mount Carmel. Livingstone Fagan's young daughter suffocated in the bunker of the compound and was identified by dental records, (like the majority of young children whose bodies were discovered by the Texas Rangers) - (Fix Sources).

The Texas Rangers "divided the physical area of the compound into sectors, rows, and grids", next they formed several small teams of "Rangers, FBI, and other technicians and law enforcement agents", (Report to the Deputy Attorney General on the Events at Waco, Texas: February 28 to April 19, 1993, U.S. Department of Justice, p.1). They proceeded to "comb through each sector" extensively and then "labeled each item" found at any specific part of the compound, by "assigning exhibit numbers", and took photos of all evidence which they collected, (Report to the Deputy Attorney General on the Events at Waco, Texas: February 28 to April 19,

1993, U.S. Department of Justice p.1). The U.S. Department of Justice official Report, stated, arguably “the most important area searched was the bunker, where a large concentration of bodies” were discovered, (Report to the Deputy Attorney General on the Events at Waco, Texas: February 28 to April 19, 1993, U.S. Department of Justice p. 2).

Some of the bodies found in the bunker included, “Abigail Martinez, an “11 year-old girl”, she “died of a gunshot wound to the head” her body was “identified by dental records”, according to the official autopsy. (Report to the Deputy Attorney General on the Events at Waco, Texas: February 28 to April 19, 1993, U.S. Department of Justice p. 7). The bodies found in the bunker or other areas of the compound in Waco, Texas, that were unable to be identified, were assigned the name “Doe” and given a number. For example, “Doe 33”, a 2-3 year-old boy,” who “died of a stab wound to the left chest, his body was recovered in the “bunker”, (Report to the Deputy Attorney General on the Events at Waco, Texas: February 28 to April 19, 1993, U.S. Department of Justice p.9).

Branch Davidian leader, and Waco survivor Livingstone Fagan reflected back on the catastrophic events that resulted from the fire that consumed the compound at Mount Carmel. Branch Davidian leader, second only to David Koresh, Livingstone Fagan was the “last to leave before the final conflagration”.

In an interview from an undisclosed Federal Prison, on March 29, 1993, Fagan prophesized the disaster that would come into fruition on April 19, 1993, "In my soul I am continually reminded of my innocence and the innocence of my family and friends who were there with me." (2). "I remain unconvinced of any guilt...We have become part of the continuing story of justice undone." (Excerpts from Federal Prison Interview with Livingstone Fagan, conducted by author James D. Tabor, March 29, 1993, Transcribed by historian Mark Swett, p.2).

In his writing, 'Salvation and The Book of Revelation', Fagan mentioned the nearly tangible "confusion that exists among commentators' regarding the meaning of the book, which evidently suggests' we are dealing with peoples' opinions, (Salvation and The Book of Revelation, Livingstone Fagan, p.52). Fagan explained that there was a disconnect that existed among the American populous, regarding the image and national perception of the Branch Davidians, and their theological tenants, "The book is not amenable to the carnal human consciousness; what is described as natural—religion." Fagan stated, (Salvation and The Book of Revelation, Livingstone Fagan, p.52).

Livingstone Fagan believed the events that transpired at Waco were biblically connected, and the senseless loss of life was a test of faith. Fagan said. He also believed that it was "significant" when "the Apostle John, spoke of things not yet having a bearing in our human sensory based

experiencing...Evidently we would not yet have forced the conceptual tools necessary to comprehend these realities...This has been the heart of the issue of faith", Fagan equated the chariots mentioned in The Book of Revelation during the end of days, with the tanks that collapsed walls and crashed through the Branch Davidian compound, under the direct orders of senior FBI officials, during the final siege on April 19, 1993, (Salvation and The Book of Revelation, p.53). Livingstone Fagan, pondered one of his writings while in prison, "Perhaps also, the reason why the prophet Daniel recorded that the book would be sealed until the time of the end." (12:13, 3-10). (53). (Salvation and The Book of Revelation, Livingston p.53).

The Branch Davidians who survived the FBI siege that transpired on April 19th, maintain they did not, and would never have intentionally ignited the fires or points of ignition that enveloped the entire compound rapidly, and which claimed the lives of over 75 men, women, teenagers, and young children. (*Why Waco? - Cults and the Battle for Religious freedom in America*, James D. Tabor and Eugene V. Gallagher, p.124).

During the course of their Arson investigation, "Texas Rangers were denied access to evidence" by the FBI during the course of their investigation. (*FBI Releases Second Waco Videotape*, Edward Walsh and Richard Leiby. Washington Post Staff Writers, Saturday, September 4, 1999; Page A3). The special

David Koresh AKA Vernon Wayne Howell was born in Houston, Texas in 1959 to a 15-year old single mother. He never knew his father and was raised by his grandparents. In his late-night conversations with FBI agents' present during the siege, Koresh described his childhood as lonely.

He said the other kids teased him and called him "Vernie." He was dyslexic, a bad student, and dropped out of high school. However, he had musical ability and a strong interest in the Bible. By 12, he had memorized large tracts of it. (*Learning Lessons from Waco*, Jayne Seminare Docherty, p.19).

FBI officials "released a second infrared videotape confirming the use of potentially incendiary military tear gas cartridges" (*FBI Releases Second Waco Videotape*, Edward Walsh and Richard Leiby). Washington Post Staff Writers, Saturday, September 4, 1999; Page A3.

Attorney General Janet Reno, who was under only President William Clinton, and Vice-

President Al Gore, in terms of Executive positions in the Federal Government made the final decision, and approved the FBI Siege and tactical plan of assault on April, 19th 1993. During the initial Congressional hearing concerning the unconscionable events which unfolded at Waco, FBI officials denied firing any cartridges or “ferret rounds” of CS-gas into the Branch Davidian compound on April 19th. However, in 1999. “FBI officials “released a second infrared videotape confirming the use of potentially incendiary military tear gas cartridges” (FBI Releases Second Waco Videotape, Edward Walsh and Richard Leiby, Washington Post Staff Writers, Saturday, September 4, 1999; Page A3.).

Richard M. Rogers, “the assistant special agent in charge of the FBI's Hostage Rescue Team, can be heard authorizing the use of a military tear gas cartridge in an attempt to penetrate the entrance to an underground storm shelter that was about 50 yards from the main compound structure. “Rogers gave his authorization at 7:48 a.m.”.

According to a recent 3 hour documentary entitled, *Waco: Rules of Engagement*, which included infrared aerial tapes of the entire FBI siege on April 19th, 1993, the time (7:48 am), that FBI special agent Richard M. Rogers stated that he gave authorization to go forward with the April 19th siege, do not match up with the infrared tapes.

The documentary revealed that Special agent Rogers was either confused or lying. The infrared tapes also showed a military tank intentionally running over a dead Branch Davidian man repeatedly, whom had been shot while making an attempt to leave the compound or surrender days before the final siege by the FBI in an attempt to infuriate David Koresh and his followers and draw them out of the compound where they were dug in like an Alabama tick.

The FBI's position on cause of the fire was that the Branch Davidians at Mount Carmel, started the fire intentionally. Historians and expert analysis combined with Branch Davidians recollection of the fire's origin and FBI claims remains a subject worthy of debate.

The Branch Davidians claim the fire was ignited as a result the CS gas cartridges being fired into the compound by the FBI. The FBI yesterday reversed a six-year-old position that it never used munitions capable of sparking the blaze that ended a standoff with the Branch Davidian sect near Waco, Tex., and left 76 people dead.

The Evidence at the time, was lacking, in 1993. Recent Evidence, including infrared tapes of the entire FBI siege that occurred on April 19, 1993, reveal questionable decisions made by FBI agents in command of the siege of the Branch Davidian compound. The odds that the Branch Davidians, intentionally started a fire, knowing that it would kill their children,

husbands, wives, mothers, brothers, sons, uncles and parents, appears highly unlikely, given their theological positions.

The Branch Davidians, like most Christian denominations do not believe in committing suicide. They interpreted the War against Babylon and scripture from The Book of Revelation literally, and they related it to the war with the BATF and the FBI. They were truly sincere in their beliefs and confidence in David Koresh's authenticity as "The Lamb' who would unlock the secrets and true divine meanings of the Seven Seals.

The use of at least two military 40mm cartridges was confirmed by a former senior FBI official, Danny O. Coulson, whose comments were first reported this week in the Dallas Morning News, (Joe Rosenbloom III , *"Waco: More than Simple Blunders?"* -Wall Street Journal October 17, 1995). Danny Coulson claimed "the pyrotechnic gas rounds were not linked to the fire, which broke out shortly after noon. The 40mm munitions were fired "no later than 8 a.m.," he estimated. (Joe Rosenbloom III *"Waco: More than Simple Blunders?"* -Wall Street Journal October 17, 1995).

The Republican Congressional Report (on Waco) for 1996

The following is a summary and excerpt from the Republican Congressional Report for 1996

Executive Summary

From - 1996 to May 1996, the Subcommittee on Crime of the House Committee on the Judiciary and the Subcommittee on National Security, International Affairs, and Criminal Justice of the House Committee on Government Reform and Oversight jointly conducted an investigation into the actions of the federal agencies involved in law enforcement operations against a group known as the Branch Davidians near Waco, Texas in late 1992 and early 1993. As part of its investigation, the Subcommittees held 10 days of public hearings. During the course of those hearings, over 100 witnesses appeared and gave testimony concerning all aspects of the government's actions. The Subcommittees also reviewed thousands of

documents requested from and provided by the agencies involved in these actions. Additionally, the Subcommittees met with others who were involved in these actions or who offered additional information or opinions concerning them.

This report is the final product of that investigation. It summarizes many of the most important facts about the key issues of these activities considered by the Subcommittees. The report also sets forth the Subcommittees' conclusions with respect to disputed issues and new facts uncovered during the investigation.

Who shot first?

Much has been made of the issue as to which side in the gun battle shot first. Conflicting evidence on this point was presented to the Subcommittees at the ATF agents who were involved in the raid, the Texas Rangers who conducted an investigation into the events of the raid following the end of the stand-off on April 19, and by the attorneys for the Davidians.

ATF Special Agent John Henry Williams, a member of the SRT team assigned to enter the front door of the Branch Davidian Residence, and who spoke to David Koresh at the front door of the Branch Davidian residence as the raid began, testified that he was convinced that the Davidians shot first. As Williams testified before the Subcommittees,

"As we approached the front door, David Koresh came to the front door dressed in black cammo fatigues. As he closed the door, before we reached the door, one agent reached the door, and at that point that is when the doors erupted with gunfire coming from inside. It was 10 seconds or more before we even fired back."

Later on that same day, Williams testified at greater length about the start of the gun battle.

Mr. Scott: Can you go through just very briefly, you were walking up to the door, and how close to the door were you when the shooting started?

Mr. Williams: About 10 feet from the door.

Mr. Scott: Was it your intention prior to that to - had Koresh come out by then?

Mr. Williams: Yes.

Mr. Scott: And how far from the door were you when he closed the door in your face?

Mr. Williams: Approximately 15 feet from the door.

Mr. Scott: And did you continue walking forward?

Mr. Williams: Yes.

Mr. Scott: And how close were you when the shooting started?

Mr. Williams: I - basically about 10 feet. After that, the shooting started immediately after he closed the door.

Mr. Scott: Is there any question in your mind as to where the shooting began?

Mr. Williams: None.

Mr. Scott: Thank you - excuse me, that was from the inside coming out.

Mr. Williams: Yes, from the inside coming out.

Senior officers of the Texas Rangers also testified as to the findings of their investigation into these events after April 19. The Rangers interviewed virtually everyone who was present at the Branch Davidian residence on February 28, including several of the surviving Davidians and all of the ATF agents who were present. As Texas Ranger Captain David Byrnes testified to the Subcommittees:

I believe the evidence was to me overwhelming in the trial that the Davidians fired first. The cameraman and the reporter, although very reluctant, finally I believe conceded that. He had broadcast that several times. He was more or less a hostile witness. But in my mind there is no doubt who fired first.

The Subcommittees believe that the question of who fired the first shot on February 28th cannot decisively be resolved given the limited testimony presented to the Subcommittees. It appears more likely, however, that the Davidians fired first as the ATF agents began to enter the residence.

Were shots fired from the helicopters?

Allegations also were leveled by the Davidians' attorneys that agents in the National Guard helicopters used in the raid fired into the Branch Davidian residence from the air. The attorneys testified that when they met with the Davidians, they were shown holes in the roof of the structure which appeared to them to be bullet holes fired from the outside into the structure. Phillip Chojnacki testified, however, that no shots were fired from the helicopters. He testified that ATF personnel on the helicopters were

armed only with nine millimeter sidearms and that he observed no shots fired from the helicopters.

Texas Ranger Captain David Byrnes also testified as to what the rangers' investigation concluded with respect to this issue. He stated that the Ranges found no evidence that shots were fired from the helicopters.

Additionally, the Subcommittees staff reviewed video tape of the raid shot by agents in the helicopters as well as video tape of the exterior of the helicopters involved in the raid after the helicopters withdrew from the scene. At no point in the video tape is any ATF agent firing weapons from the helicopters and the helicopters do not appear to have been equipped with machine guns or other weaponry. The video tape reviewed, however, is not continuous from the point from which the helicopters lifted off to the conclusion of the raid. The fact that videotape was taken at some points in the raid and not at others has not been explained to the Subcommittees.

It has been suggested that the bullet holes in the roof of the Branch Davidian residence many have come from ATF agents on the roof who were firing into the structure as the firefight continued. Jack Zimmerman, the attorney for Branch Davidian Steve Schnieder during the stand-off,

conceded during his testimony before the Subcommittees that this was a possible explanation. Given that there were several ATF agents who were on the roof of the residence during the firefight with the Davidians, this explanation seems plausible.

The evidence presented to the Subcommittees generally supports the conclusion that no shots were fired from the helicopters at the Branch Davidian residence.

There was the possibility of on-going physical and sexual child abuse.

It is clear that Koresh sexually abused minor females at the residence, in addition to having consensual sexual relations with several of the adult females who lived there. A number of former Davidians provided affidavits detailing these sexual relations, including the sexual abuse involving minors females. Joyce Sparks, an employee of the Texas Children's Protective Services agency provided the FBI with a report of an interview she conducted with a child who lived at the residence detailing an incident of sexual abuse. This child, Kiri Jewell, testified about her experience before the Subcommittees at the July hearings. Also, during conversation between FBI and Steve Schneider during the week of April 14, Schneider admitted

that he knew of Koresh's sexual abuse of a minor female. While all of these incidents occurred prior to February 28, FBI behavioral expert Dr. Paul Dietz, in an April 17 memoranda to the FBI, opined that "Koresh may continue to make sexual use of any minor female children who remain inside."

It also appears certain that Koresh employed severe physical punishments as a means of disciplining the children. A March 26 report of Dr. Bruce Perry, a - who interviewed the children who had been released from the residence during the stand-off, confirmed that Koresh physically abused children who had misbehaved.

The Fire.

At 12:07 p.m., Central Standard Time, more than six hours after the FBI began to implement the plan to end the standoff, fire was detected inside the Branch Davidians residence. Within a period of two minutes, two additional fires were detected in two other parts of the structure. In less than - minutes the fire had spread throughout the structure. By the end of the afternoon, the structure was completely destroyed.

One of the important areas of inquiry during the Subcommittees' hearings into the government's actions towards the Davidians at Waco was the cause of the fire that destroyed the Branch Davidian residence. At the hearings the Subcommittees received testimony from the leader of a team of fire experts called together by the Texas Rangers to investigate the origins of the fire, a fire expert retained by the Justice Department to join with the team assembled by the Texas Rangers, and from an independent arson investigator.

During the testimony of these witnesses, the Subcommittees also reviewed videotape recordings of the development and spread of the fire. Included in this review was a videotape using "forward looking infrared" (FLIR) technology, which was taken from an FBI observation plane circling the Branch Davidian residence throughout the morning and afternoon of April 19. The FLIR type of video, also called a Thermal Imaging System, is a type of video photography which images thermal heat sources. Because of its sensitivity to changes in the quantity of heat given off by an object the FLIR videotape showed the beginning of the fires within the Branch Davidian residence prior to the point at which the flames were visible to persons on the outside of the structure. Time lapse indicators on the video recordings were used by the witnesses to establish the times at which each fire within the Branch Davidian residence began.

Summary of the Development of the Fire.

During the hearings, James Quintiere, Professor of Fire Protection Engineering at the University of Maryland and one of two fire experts retained by the Justice Department's to join the fire review team assembled by the Texas Rangers, used the FLIR video tape to demonstrate the development of the fire on April 19. Dr. Quintiere's responsibilities as a part of the Review Team were to analyze the development of the fire and draw interpretations and conclusions from that analysis. In addition to reviewing the FLIR video, the fire investigation team reviewed television coverage of the fire by the Canadian Broadcasting Corporation, which was also time dated, and television coverage of the fire by a local Waco television station. The team also reviewed aerial photographs and other materials. During his testimony to the Subcommittees, Dr. Quintiere played a video tape that simultaneously played each of the three video tapes of the fire synchronized to the same time.

The videotape demonstration showed that the first fire began at 12:07:42 p.m. As part of his testimony to the Subcommittees, Dr. Quintiere

narrated the videotape demonstration. As the first fire developed, Dr. Quintiere testified.

Finally, Dr. Quintiere described the inception of the third fire, which occurred on the first floor in the chapel area. He also noted that 38 seconds later there emerged hot gases at a point 45 feet away from the point where the third fire began. He testified that this could have been a separately set, fourth fire, but that the development of this fire was consistent with someone placing a trail of gasoline or other liquid fuel between those two points and allowing the third fire to spread over that trail.

Analysis of the Issues Relating to the Fire.

During the their testimony before the Subcommittees, the three fire experts stated their opinions as to the cause of the fire. They also discussed the several other theories as to the fire's origin which had been circulating in the media. Their testimony, coupled with the visual evidence provided by the FLIR and other videotape recordings made on April 19, conclusively prove that multiple fires began in different places inside the Branch Davidian residence and that they were deliberately set by the Davidians themselves.

The Davidians set the Fires.

The evidence presented to the Subcommittees conclusively demonstrated that three distinct fires began in three separate parts of the Branch Davidian residence within a two minute period on April 19. In light of these facts, the Subcommittees conclude that the fires were intentionally set by Branch Davidian members in order to destroy the structure. Supporting this conclusion is that fact that the fire review team found that a number of accelerants were present in the structure, including gasoline, kerosene, Coleman fuel, and other accelerants.

Given that these accelerants were used to contribute to the spread of the fire, the Subcommittees conclude that the Davidians used them as part of a plan to destroy their residence.

The methylene chloride in the CS riot control agent used by the FBI did not cause the fire.

One of the theories forwarded to the Subcommittees concerning the origin of the fire is that methylene chloride, a chemical used as a dispersant to carry the CS riot control agent injected into the Branch Davidian residence, may have ignited and started the fire. During the hearings Dr. Quintiere testified that it was his opinion that the methylene chloride in the CS agent neither caused nor contributed to the spread of the fire.

In light of this testimony, and the other information reviewed by the Subcommittees concerning the flammability of methylene chloride, the Subcommittees conclude that the presence of methylene chloride in the Branch Davidian residence did not cause the fire nor contribute to its spread.

The combat engineering vehicles used by the FBI on April 19 did not start the fire.

Some theories concerning the origin of the fire involve an explanation that one of the combat engineering vehicles used by the FBI to inject CS chemical agent to demolish portions of the Branch Davidian residence may have actually caused the fire, either intentionally or unintentionally.

At one point in the video record of the operation on April 19, a combat engineering vehicle is seen driving into a portion of the residence. The first fire begins in that same location shortly thereafter. Some have suggested that the CEV might have overturned a lighted kerosene lantern inside the residence, causing the fire to begin. The fire that begins in that area, however, is not discernable in the FLIR video until one and one half minutes after the CEV leaves that side of the structure. During the hearings, Dr. Quintiere was questioned on the significance of this fact.

Some citizens have contacted the Subcommittees and forward to them copies of a video sold by an organization antagonistic to the government which attempts to explain many aspects of the government's actions at Waco, including the start of the fire. The makers of that videotape allege that the combat engineering vehicles used at Waco carried flame throwing devices which were used to intentionally set the fires inside the Branch Davidian residence. During the hearings, the fire experts were questioned about this theory.

On another day of the hearings, a Defense Department witness testified that all of the military vehicles loaned by the Defense Department to the Department of Justice and used at Waco were unarmed. Additionally,

the Subcommittees' interviews with other present at the Branch Davidian residence on April 19 confirms that none of these vehicles was armed.

Given this fact, and the fact that had a flamethrower or similar device been installed on one of the CEVs its use would have been observable in the FLIR video, the Subcommittees conclude that the government did not use any of the military vehicles to intentionally set the fire. Additionally, as the evidence before the Subcommittees clearly demonstrate that no fire began near the time when any of the CEVs came in contact with the structure, the Subcommittees conclude that it is highly unlikely that the use of the CEVs inadvertently caused the fires to begin.

The Davidians could have left their residence even after the fire began.

Throughout the morning of April 19, none of the Davidians left their residence. After the fire broke out, however, nine persons left the building. This indicates that at least some opportunity existed for the Davidians to safely leave the structure had they wanted to do so. One of those who escaped the fire left the residence almost 21 minutes after the breakout of

the first fire. Clearly, some means of escape from the residence existed for a significant period of time after the fire broke out.

An important question, however, is whether the Davidians might have been overcome by smoke and prevented from leaving the residence. The autopsies of the Davidians indicate that deaths from smoke inhalation or asphyxiation from carbon monoxide poisoning accounted for only half of the Davidians who died in the residence. The other causes of death were gunshot wounds, burns, or other trauma. Thus, even after the fires began to consume the structure, at least half of the Davidians were not so affected by the smoke and fumes from the fire that they were physically unable to leave the structure.

Additionally, the location of the bodies of the Davidians indicates that few of the Davidians actually attempted to escape the building. Many of the bodies were huddled together in locations in the center of the building. Few of the bodies were located at points of exit from the building, and the cause of death of several of the bodies at exit points were self-inflicted gunshot wounds or gunshots from very close range.

<http://www.culteducation.com/group/1220-waco-davidians/24281-the-republican-congressional-report-on-waco-for-1996.html>

The Branch Davidians Today

The Branch Davidian movement continues, but is divided into two factions:

bulletone is an anti-Koresh group which claims to be the original Branch Davidian group before David Koresh took over. They erected a museum on the site which was both anti-Koresh and anti-government. However, this appears to have been abandoned and taken over by the following group.

bulletThe other group of about 24 members reveres the memory of Koresh and are still attempting to comprehend the events in Waco in the light of Bible prophecy. They anticipated that David Koresh would return to earth on 1996-DEC-13, and that they would have been reunited with the members who have died. If that had happened, it would have been a unique event in the history of the world. It didn't occur on schedule. The current Branch Davidian theology believes that the 2300 day interval prophesized in Daniel 8:14 began at the time of the mass deaths at Waco, on 1993-APR-19. They felt that about 1999-AUG-6, the sixth seal will be fulfilled. The Cleansing of the Sanctuary will occur, and 5 months of torment will begin. Again, their prophecies did not materialize. As of 2004-JUN, they are still

meeting in the expectation that David Koresh will return and lead them to the promised land. The Chicago Tribune reports that: "There aren't many Branch Davidians left, their numbers having dwindled over the years due to death and dispersal and disillusion. Only half a dozen show up for the Saturday prayers; an additional 20 or so less fervent believers are thought to live in the area." They quote member Clive Doyle as saying: "Our hopes are that God will intervene prior to the rest of us dying. But we do have to face facts: Eventually everyone gets old and dies. We worry that we will go the way of the Shakers and other groups that didn't get new members or have children." He remains absolutely convinced that Koresh will be resurrected. He said: "If it was all a deception, and yet we were convinced it was right, then how can we ever know the difference between good and evil, and right and wrong? If I was misled by God, then how would I ever believe anything ever again?" 5

bulletAbout 250 surviving Branch Davidian members and relatives of the dead are suing the Federal government. They believe that the fire was started when federal agents punched holes in the walls of the compound and fired tear gas inside. They allege that the gas canisters caught fire and started the conflagration that burned down the entire compound.

bulletOn 1997-SEP-7, US District Judge Walter Smith re-imposed long prison sentences on five Branch Davidian members. Four men received 10 years for voluntary manslaughter and 30 years for using a firearm in a

violent crime. The fifth was received 10 years for possessing a hand grenade and 10 years for using a firearm. horizontal rule

Recent developments:

bullet 1999-AUG-25: The U.S. Justice Department had long held that, during the assault at Waco, the FBI did not use any pyrotechnic devices that were capable of setting a fire. Danny Coulson, a former FBI official told the Dallas Morning News on AUG-23 that two potentially incendiary M-651 tear gas grenades had actually been used against the Branch Davidian compound. They were thrown at a concrete construction pit that contained a tunnel entrance which led into the compound. They bounced off of the bunker roof and landed harmlessly in a nearby puddle. This occurred about 300 feet from the wooden compound buildings. (Another source said 90 to 120 feet; the A.P. reported 120 meters or 394 feet 1) The grenades appear to have been unrelated to the blaze. They exploded at 6:07 AM, some 6 hours before the fire broke out. "An investigation by a panel of independent arson experts concluded that the April 19 fire began simultaneously just after noon in three separate places inside the compound. FBI bugs intercepted Branch Davidians discussing spreading fuel and planning a blaze for hours before the compound burned. Arson investigators also found evidence that accelerants, ranging from gasoline to charcoal lighter fluid and camp stove fuel had been poured in the compound." 2,3

bullet1999-SEP-1: The FBI is pushing for an independent investigation into why it took 6 years for them to acknowledge use of incendiary tear-gas canisters at Waco. A second proposal has been made to create a joint House-Senate commission to investigate the affair. Meanwhile the House government-reform committee is proceeding with its own investigation. 1

bullet2000-SEP-9: Attorney General Janet Reno appointed former Senator John Danforth, (R-MO) as special counsel to head up an independent investigation into the Waco tragedy. He is an Episcopal priest, and had been the attorney general in Missouri for eight years.

bullet2000-JUL-14: The relatives of some of the victims in Waco held that the federal government was responsibility for the loss of life in 1993. They had initiated a 675 million dollar wrongful death lawsuit. The Texas jury decided that the government was not responsible for the tragedy. The judge will make the final ruling in this case.

bullet2000-JUL-21: Former Senator John Danforth, (R-MO) chairperson of a ten month independent investigation, announced that the blame for the Waco catastrophe rests solely with David Koresh. 4

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bullet2000-JUL-21: Former Senator John Danforth, (R-MO) chairperson of a ten month independent investigation, announced that the blame for the Waco catastrophe rests solely with David Koresh. 4

bullet2000-JUL-28: According to Maranatha Daywatch, Attorney General Janet Reno revealed that she had discussed with President Clinton plans to storm the Waco compound on the day before the raid was implemented.

bullet2000-AUG-15: The judge in the Branch Davidian wrongful death lawsuit will order a court-appointed expert to provide testimony on whether FBI agents shot into the Waco compound the day that it caught on fire.

bullet2000-SEP-20: According to DayWatch news service: "U.S. District Judge Walter Smith cleared the federal government...of wrongdoing in the deaths of 80 Branch Davidians during the 1993 standoff with federal agents at the cult's Waco, Texas compound. Smith laid the entire blame for the deaths at the feet of cult leader David Koresh. Special Counsel John Danforth and an advisory jury reached the same conclusions earlier this year."

horizontal rule

Books on Waco:

A number of books have been written about the Waco tragedy. We recommend the three books written by academics.

bullet K.G.C. Newport, "The Branch Davidians at Waco: The history and beliefs of an apocalyptic sect," Oxford University Press, (2006-MAY). He argues that the tragedy at Waco was, according to an Amazon.com review: "the culmination of a long theological and historical

K.G.C. Newport, "The Branch Davidians at Waco: The history and beliefs of an apocalyptic sect," Oxford University Press, (2006-MAY). He argues that the tragedy at Waco was, according to an Amazon.com review: "the culmination of a long theological and historical tradition that goes back many decades. The Branch Davidians under David Koresh were an eschatologically confident community that had long expected that the American government, whom they identified as the Lamb-like Beast of the book of Revelation, would one day arrive to seek to destroy God's remnant people. The end result, the fire, must be seen in this context." Read reviews or order this book safely from Amazon.com online book store

bulletJ.D. Tabor & E.V. Gallagher, "Why Waco: Cults and the battle for religious freedom in America," University of California Press, (1997). This book is written by two theologians who had contact with Koresh during the standoff. They express concern about the public's irrational fear of new religious movements. Read reviews or order this book

bulletS.A. Wright, Ed., "Armageddon in Waco: Critical Perspective on the Branch Davidian Conflict," University of Chicago Press," (1996) This contains 15 essays by sociologists, historians, lawyers and theologians covering all aspects of the tragedy. Read reviews or order this book

There are also many book written from a non-academic perspective:

bulletCarol Moore, "Davidian Massacre: Disturbing questions about Waco which must be answered," Legacy Communications, (1996) This takes the position that the government intentionally massacred the Branch Davidian with machine guns from helicopters. Ms. Moore is an investigative reporter. Read reviews or order this book

bulletD.J. Reavis, "The Ashes of Waco: an investigation," Syracuse University Press, (1998). A

An account of the tragedy by a journalist. Read reviews or order this book

bulletD.B. Kopel, P.H. Blackman, "No more Wacos: What's wrong with federal law enforcement and how to fix it," Prometheus Books, (1997).

Chosen as a main selection by the Conservative Book Club. Read reviews or order this book

bulletDavid Thibodeau, Leon Whiteson, "A placed called Waco: A survivor's story," Public Affairs, (1999-SEP) A book by one of the 9 Branch Davidians who survived the fire. He blames the government for the loss of life. Order this book

horizontal rule

Internet web site with information on Waco and the Branch Davidians:

bulletS.A. Wright, "Armageddon in Waco", University of Chicago Press, Chicago IL (1995)

bulletV.T. Houteff, "The Great Controversy Over 'The Shepherds Rod", Universal Publishing Assoc., Waco TX (1954)

bulletJ.D. Melton, Ed, "The Encyclopedia of American Religions, Vol. II", Triumph Books, New York (1991), P. 676

bulletT. Miller, Ed, "America's Alternative Religions", SUNY Press, Albany (1995), P. 149-158

bulletD. Koresh, text of taped sermon recorded on 1993-MAR-02.

Analysis by Stephen Tice included. See:

<gopher://wiretap.spies.com/00/Library/Religion/Fringe/koresh.txt>

bulletD.J. Reavis "The Ashes of Waco. Featured at

<http://rampages.onramp.net/~djreavis/> The site also has a FAQ at:

http://rampages.onramp.net/~djreavis/Ashes_faq.html

bulletJ. Tabor, E.V. Gallagher, "Why Waco", University of California Press (1995). Featured at: <http://home.maine.rr.com/waco/ww.html>

bulletThe PBS program Frontline has a FAQ list on Waco. See:

<http://www.boston.com/wgbh/pages/frontline/waco/topten.html>

bulletAn expose "GOP keeps focus on ATF'S mistakes in Waco" is available at: <http://www.nando.net/newsroom/nt/nation7.html>

bulletAnother expose, by K.S. Van Horn "Abuses of the Bureau of Alcohol, Tobacco, and Firearms is at:

<http://www.access.digex.net/~croaker/koramer.html>

bulletThe Waco Massacre is at:

<http://www.magnet.ch/serendipity/waco.html>

bulletThe "Internet Crime Archives" contains descriptions of various "killer cults [which] tend to be led by charismatic megalomaniacs who pit themselves and their churches against the rest of the world". They include the Branch Davidian group. See: <http://www.mayhem.net/Crime/cults.html>

bulletA list of 45 references to the Branch Davidian group and to its leader can be accessed at: <http://www.unc.edu/~elliott/koresh.txt>

bulletCongressional testimony by Dr. Bruce Perry concerning treatment of children at Waco is at:
<http://www.bcm.tmc.edu/civitas/publications/congress.html>

bullet"Real History Archives" has links to two conspiracy-minded WWW sites about the Waco incident. One includes a map to the compound. See: <http://www.webcom.com/~lpease/waco.html>

bullet"...the official website of many Branch Davidian survivors who were with David Koresh during the 51 day siege at Mt. Carmel" has three domain names":

EVALUATION OF THE HANDLING OF THE BRANCH DAVIDIAN
STAND OFF IN WACO, TEXAS FEBRUARY 28 TO APRIL 19, 1993

U.S. Department of Justice

Washington, D.C. 20530

Evaluation of the Handling of the Branch Davidian Stand-off in Waco,
Texas

February 28 to April 19, 1993

Edward S.G. Dennis, Jr.

Department of Justice Seal

October 8, 1993 Redacted Version

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INTRODUCTION

This is a critical retrospective evaluation of the activities of the United States Department of Justice ("Department") and the Federal Bureau of Investigation ("FBI") during the fifty-one day stand-off at the Branch Davidians' Mt. Carmel compound near Waco, Texas which ended on April 19, 1993 when fire consumed the compound, killing David Koresh and most of his followers. To make this evaluation, I have reviewed the procedures followed by the Department and the FBI, giving particular attention to the means employed, the alternatives considered and the decisions made in attempting to resolve the stand-off. I have not been called upon to conduct a de novo factual inquiry. A comprehensive factual report is being prepared

by the Department and the FBI. I have primarily relied upon the record gathered by the Department as the basis for the conclusions in this Report, supplemented by a number of follow-up interviews. However, I am satisfied that the factual inquiry by the Department was conducted in a thorough and objective manner. Prior to my appointment, the Department had completed over 800 field interviews and gathered pertinent documentation. They continued to gather documents and conduct interviews thereafter. I have been afforded access to documents gathered in that effort and to the reports of interviews conducted for the factual investigation. In addition, since my appointment I participated in a number of Department interviews. I have also conducted independent interviews of some witnesses.

<http://www.carolmoore.net/waco/waco-fire.html>

<http://www.greatdreams.com/waconews.htm>

sponsored by the Senate Judiciary Committee

By Carol Moore Member, Committee for Waco Justice

Author, The Davidian Massacre-I attended both sessions of the Senate Waco hearings, October 31 and November 1, 1995. This hearing focused on federal law enforcement procedures at Waco--specifically intelligence gathering and relations between the FBI negotiators and Hostage Rescue Team. While the Senate hearings were much more tame than the House hearings, with relatively little demonization of the Branch Davidian victims,

they still gave aware citizens the same impression: despite its protestations, Congress is more interested in protecting federal law enforcement than in protecting citizens from federal law enforcement.

During most of the hearing only three or four members of the 18 person committee actually were in attendance. Only Senate Judiciary Committee chair Orrin Hatch and the surprisingly level headed Democratic Senator Diane Feinstein sat through most of the hearing.

Hatch declared there was no "conspiracy" against the Davidians, even as the committee chose to ignore evidence of a "cover your butt" conspiracy between BATF and FBI agents--evidence that: BATF agents fired from helicopters and killed four Davidians, BATF shot first at the front door mortally wounding the unarmed Perry Jones, BATF agents assassinated Michael Schroeder as he approached Mount Carmel, FBI and BATF agents systematically destroyed evidence, and FBI agents in Waco withheld information from Janet Reno and other officials to gain approval of their fatal gassing plan.

Hatch did show and criticize a photograph of a rambo-style FBI agent astride a tank and another of a burned Davidian book opened to a page about the Fourth Amendment to the Constitution. He opined that the FBI Hostage Rescue Team should be used as the last resort, not the first, in civilian law enforcement situations like at Ruby Ridge and Waco. FBI critic Senator Chuck Grassley asserted that some federal law enforcement

agencies had come to resemble "Keystone Ninjas" and noted that many in the law enforcement community believe Koresh got what he deserved.

Democrat Joseph R. Biden, former head of the Committee, emphasized that federal agents' actions at Waco were merely mistakes, not in any way based on malevolence. C-span and CNN headline news chose this point to show me and another member of the Committee for Waco Justice sitting in the hearing room wearing black t-shirts reading "ATF COPTERS KILLED 4" and "FBI TANKS KILLED 76." The capitol police initially tried to keep us out but the committee staff person let us in; Biden was not too happy and glared at us.

The first day's first witness, James Fyfe, Professor of Criminal Justice at Temple University, complained there was "No FBI to investigate the FBI," as the FBI investigates local police for abuses. He called for the creation of a citizen's advisory and review panel, along the lines of the U.S. Civil Rights Commission, to oversee federal law enforcement actions. This suggestion was ignored.

His co-panelist was Nancy Ammerman, the religious scholar who was one of the outside experts asked to review the Justice Department report on Waco. At the hearing she repeated her criticisms of the religious insensitivity of the FBI, their reliance on the advice of anti-cult activists, and the Hostage Rescue Team's primacy over the negotiators. And she asserted that after hearing the negotiation tapes, which had not been made available

to her for that report, she was convinced Koresh would have come out after finishing his book on the Seven Seals. Ammerman warned law enforcement that just because religious or political groups consider the government to be the enemy, professional law enforcement agents should not, therefore, adopt the mentality the group is the enemy.

Fyfe and Ammerman's testimony was "balanced" by the next six witnesses, all of whom towed the government line. Geoffrey Moulton, project director of the Treasury Department review, did criticize some aspects of the investigation, the decision to conduct a "dynamic entry," the supervision of the raid, and post-raid BATF disinformation. However, he defended BATF's dubious assertions to the military that there might be a methamphetamine laboratory at Mount Carmel. And he criticized Congress for using its hearings to undermine federal law enforcement. Captain John Kolman, who assisted in the Treasury report, made a similar charge, claiming Congressmen asked the wrong people the wrong questions. (However, he didn't make the logical suggestion that Congress therefore appoint an independent counsel who would ask the right people the right questions!)

Three BATF agents described their involvement in intelligence planning and used their testimony to repeat horror stories about the fury of the Davidian "ambush" and to decry the activities of such "criminals." Gerald Petrilli emotionally described retrieving the bodies of dead agents

and his doctor's conclusion he had been hit by a Davidian grenade. Jeff Brzozowski described his own heroism in protecting the family living across the street from alleged Davidian gun fire. Roger Gutherie, who has claimed he shot from the ground Davidian Peter Gent who was on the water tower, merely referred to his firing on "individuals identified as a threat." He then lied, asserting that BATF agents got in a "second gun battle with three members of the Branch Davidians" by the hay barn. However, at trial only (dubious) evidence that one Davidian fired a gun was entered.

Treasury official Ron Noble defended the Treasury Department's oversight of BATF's actions at Waco, repeating the usual assertions that the search warrant was sufficient, that Davidians were not targeted because of religious beliefs, that Davidians ambushed BATF, and that after the fire four dozen illegal weapons were found. He outlined changes in policy since Waco: new leadership, the requirement Treasury be notified of significant operations, improvements in undercover, oversight and coordination functions; he bragged about recent BATF successes. BATF Director John McGaw read off a laundry list of recent BATF arrests and convictions of obviously nasty criminals, even as he asserted "ATF is no threat to the private ownership of lawful firearms."

The second day was devoted to problems with negotiations. Frank Bolz, former chief negotiator for the New York City police force, who negotiated 285 hostage incidents without the loss of a single life, stressed

that the most important issue in negotiations is always to save lives. "Life, once taken, is irreplaceable." (A concept foreign to Richard Rogers' FBI Hostage Rescue Team.)

Ken Lanning, FBI's leading expert on cults and the sexual victimization of children, revealed that he had only two brief conversations with FBI agents at Waco and was never asked to come down and lend his expertise. He mentioned that he had previously been critical of law enforcement's tendency to believe questionable information about so-called "cults," including from "disgruntled" and therefore biased former members. He considered the label "cult" to being akin to a racial slur. The inference was that FBI agents in Waco didn't want another FBI expert who might be "soft" on the Davidians. Senator Simon actually noted that it was unfortunate that there had been so much "demonization" of the Davidians.

The second panel was definitely the high point of the hearing because it included Davidian prisoner Graeme Craddock, there with one of his attorneys, Patrick Brown. (Craddock received a twenty year sentence for possession of a grenade and use of a weapon in a crime of violence--i.e., the conspiracy charge of which the jury found him *innocent.* He is serving his sentence at Oakdale, Louisiana and is appealing his case.) Two Davidian survivors who came down from Canada managed to make it just in time, walking into the hearing room just two minutes after Craddock began his testimony.

Craddock, a deliberate, even pedantic, and somewhat stern speaker (he was a school teacher and engineer) asserted that the standoff could have and should have ended peacefully. He explained that Davidians truly believed in what David Koresh told them during the standoff. His statement, "If we were deceived, we were genuinely deceived," was reportedly misused by some newspeople. He stated Davidians believed God would protect them even as he had protected Jerusalem from the Assyrians by killing 185,000 of the attackers. Davidians thought it possible God would protect them "even by similar means." (During the standoff Koresh kept warning the FBI that God might decide to destroy them.) However, they also believed that if they were not obedient to God, He would allow the FBI to destroy them.

However, Craddock also stressed that Koresh said that if the FBI was honest with Davidians they were obligated to come out--but the FBI was **not** honest. Craddock described FBI lies about milk, lies during press conferences, and lies about David acting like madman on April 18 as the FBI removed automobiles. He said Davidians heard FBI lies on that date as an attempt to dehumanize them to justify to the public what they were about to do. Davidians believed public opinion was the main thing preventing the government from slaughtering them. Craddock explained that "the beast" is the most negative aspect of human nature and Koresh had told Davidians that the U.S. Government only had the potential to be the beast.

Craddock revealed that on March 21, after 7 Davidians had just exited, Steve Schneider was giving a Bible study to about twenty Davidians who were to exit the next day. When Schneider refused to leave the study to answer the phone, the FBI punished him by beginning the all-night playing of loud music, refusing to stop it at the Davidians' request. The angry Davidians canceled their exit plans. Craddock stressed that every time Davidians did something positive, the FBI did something negative.

FBI negotiator at Waco Clint Van Zandt confirmed that fact, saying every time Davidians cooperated, the Hostage Rescue Team would punish them with destruction of property, turning off electricity, or escalated harassment. And Senator Hatch twice played the sound of rabbits being slaughtered on national TV, which was quite a consciousness raiser! Van Zandt compared FBI siege commander Jeff Jamar to General Patton saying he, like Hostage Rescue Team commander Richard Rogers, were action- oriented. FBI behavioral expert, Pete Smerick, who agreed that the Hostage Rescue Team was overly aggressive, nevertheless engaged in some furious demonization of Koresh and the Davidians.

Craddock, who kept referring to whether or not people were "sent out," explained that people couldn't just come out without Koresh or Schneider calling the FBI and arranging a surrender. If they tried to leave

without doing so, the FBI would flashbang them. A strange tactic for agents allegedly trying to convince Davidians to "break free of Koresh's spell."

Craddock detailed his assertion that Davidians did not throw out the phone in the morning, as the FBI asserted, and that he did not retrieve the phone when he went outside. Rather he went out and discovered the phone line had been broken by a tank much further out in the yard.

Despite the fact that Craddock agreed to appear to discuss only negotiations, Democrats Feinstein and especially Patrick Leahy, "ambushed" him and started asking sensitive questions about child sexual abuse (he said he abhorred it, but did not believe Koresh did it); the March 2 "suicide plan" (he said all he knew was a few guys were going to carry guns during the surrender because they thought the FBI might attack them); why he carried two guns on February 28 (he insisted he didn't intend to use them, except in self-defense); why he was carrying an (allegedly) live grenade on April 19 (he didn't feel like arguing with Koresh, who gave it to him, and didn't want to leave it around where it might hurt someone); and whether the Davidians started the fire (he said he did not "see" or "know" that anyone did so, and did not believe they did. Craddock has been criticized because in his Grand Jury testimony after the fire--the main evidence used to convict him--he said he heard confused calls that he thought might be related to starting a fire.) When Leahy asked if Craddock

knew about preparations to start a fire, his attorney advised him not to answer the question and complained about the sensitive line of questioning. Leahy replied by criticizing Craddock's "self-serving" testimony.

Chair Orrin Hatch did not intervene as Leahy continued tough questioning--at least until Craddock began to assert that BATF shot first at the front door. He was getting ready to launch into stories other Davidians told about what happened there. Suddenly Hatch piped up, saying, "Oh, we agreed not to ask him these sensitive questions that might influence his appeal." It was obvious Hatch was not interested in hearing *too much* truth. One top congressional staffer, after hearing Craddock's testimony, opined to a spectator that the prisoner should received a presidential pardon. So should they all!

Craddock's attorney Patrick Brown strongly countered Pete Smerick's false statements that Koresh had wanted a showdown with the government by reminding the committee that Koresh had invited BATF agent Aguilera to inspect his guns through his gun dealer Henry McMahon in July, 1992. And he emphasized that Koresh had in fact given BATF a chance to conduct its search on February 28 by standing at the door unarmed and saying, "Let's talk about this." The important implications of these attempts to cooperate were not acknowledged by the senators. (Smerick's ultimate analysis of Koresh's "psychopathology" was, "Koresh was the type of man who would never be told what to do. David Koresh was

a man who would control his own destiny." Can you imagine! What did Koresh think this is, a free country?!?)

FBI Director Louis Freeh could not find time to attend the hearing. The last panel featured three of his underlings, Robin Montgomery, Special Agent in Charge of the Critical Incident Response Group (and a main participant in the Weaver incident); Gary Noesner, a lead negotiator at Waco; and William Esposito, Assistant Director of the Criminal Investigative Division. They reassured senators that the new Critical Incident Response Group would ensure that only experienced crisis managers would be in charge of such future incidents, that negotiators would be equally important as tactical units and that credible outside experts with appropriate information would be consulted. They tried to reassure senators that the FBI would not make the same "mistakes" again at Waco.

However, many Americans remain convinced that many of the FBI agents' actions were not merely mistakes, but attempts to destroy evidence of BATF criminal assault--including the killing of four Davidians by shots fired from helicopters--and punish the Davidians for defending themselves against the BATF assault. The credible suspicions that Congress and federal law enforcement are willing to let a few agents get away with mass murder rather than tarnish the image of all law

enforcement continues to undermine the credibility of the whole federal establishment.

Note: The Senate Judiciary Committee released the transcripts of the 1995 hearing in 1997. Copyright 1998 by Carol Moore. Permission to reprint freely granted, provided the article is reprinted in full and that any reprint is accompanied by this copyright statement.

BI Reverses Its Stand on Waco

By Richard Leiby

Washington Post Staff Writer

Thursday, August 26, 1999; Page A1

The FBI yesterday reversed a six-year-old position that it never used munitions capable of sparking the blaze that ended a standoff with the Branch Davidian sect near Waco, Tex., and left 76 people dead.

The acknowledgment that FBI agents fired "a very limited number" of potentially incendiary tear gas cartridges on the final day of the 51-day siege contradicts congressional testimony from high-ranking Justice Department officials, such as Attorney General Janet Reno, who said that the tear gas used against the Davidians "could not have caused a fire."

An FBI spokesman, Paul Bresson, said yesterday that none of its munitions started the fire on April 19, 1993, and noted that they were used hours before the inferno that consumed the Davidians' compound. FBI officials said they still believe that Branch Davidian leader David Koresh and his followers deliberately torched the compound but expressed regret if their answers to Congress ultimately may prove to be inaccurate.

Reno and FBI Director Louis J. Freeh have ordered "a full review of the facts and circumstances" surrounding the use of military gas canisters on that day, according to an FBI statement.

The use of at least two military 40mm cartridges was confirmed by a former senior FBI official, Danny O. Coulson, whose comments were first reported this week in the Dallas Morning News.

"I only found out a week ago that these rounds were fired," Coulson, a deputy assistant FBI director during the Waco siege, said in an interview yesterday. "This is the truth and this is what happened. It's important for the American people to know."

Coulson said the pyrotechnic gas rounds were not linked to the fire, which broke out shortly after noon. The 40mm munitions were fired "no later than 8 a.m.," he estimated. News videos from the time show that the tear gas grenades landed near a storm shelter and emitted smoke but did not ignite any part of the main building.

Congressional investigators, as well as attorneys representing the families of dead Davidians, questioned the FBI's credibility after learning of Coulson's remarks. At hearings in 1993, and again in 1995, officials stressed that all forms of tear gas used against the sect were not incendiary. Reno testified in 1993 that she "wanted and received assurances that the gas and its means of use were not pyrotechnic."

Robert Charles, who as chief counsel for a House Government Reform and Oversight subcommittee wrote the final report on the 1995 Waco hearings, said that the new information would have changed how Congress probed the incident.

"It's just a shock to hear from one of the key players that this fact -- which was obviously material to what we were investigating -- was not volunteered, or was deliberately withheld," Charles said.

Michael Caddell, a Houston attorney for the estates and family members of Branch Davidians who died in the siege, said the FBI's acknowledgment proves "what we've been saying along: that the government intentionally used fire-starting devices on that final day."

"The conspiracy of silence is beginning to crumble," Caddell said. "The government lied about this. What else have they lied about?"

Texas officials last month opened an inquiry into the Waco fire after a documentary film producer and plaintiffs' attorneys raised questions about projectiles discovered on the scene. Other evidence -- including videotapes and photographs -- also were discovered in storage in Austin, in custody of the Texas Rangers but controlled by the Department of Justice.

"Some of the evidence in our possession, to a fair-minded person, is problematical to what the federal government is saying about what happened that day," James B. Francis, chairman of the Texas Public Safety Commission, said in an interview yesterday.

The Texas Rangers are conducting an inquiry into "certain evidence related to the Branch Davidian fire," a spokesman said, and will turn over the findings to the U.S. Attorney's Office in Waco.

Assistant U.S. Attorney William Johnston, who is working with the Texas Rangers on the Waco inquiry, said yesterday that he could not comment.

Two staff members of the House Government Reform Committee, chaired by Rep. Dan Burton (R-Ind.), flew to Austin this week to meet with Texas Rangers to review the evidence, which includes a photograph of a military 40mm munition and several "flash bang" grenades found in the compound.

Another never-before-seen piece of evidence on the siege is a videotape shot by the Texas Department of Public Safety that some experts say appears to show machine gun fire directed at the compound's occupants from an FBI helicopter the morning of April 19. Federal officials have said that no federal agents ever fired on the Davidians. The video was obtained by a Colorado filmmaker, Michael McNulty, who helped produce the documentary "Waco: The Rules of Engagement."

Earlier this month, McNulty showed portions of his upcoming film, "Waco: A New Revelation," to some members of Congress. After seeing the new footage, Rep. Robert L. Barr Jr. (R-Ga.) called on Burton to reopen the Waco hearings.

Barr yesterday urged Reno to "clear the air once and for all" by investigating whether any weapons fire was directed against the Branch Davidians on April 19 and whether military personnel were operating on the scene. The Justice Department had no official statement on the Waco controversy yesterday.

<http://www.washingtonpost.com/wp-srv/national/daily/aug99/davidians26.htm>

On Aug. 9, U.S. District Judge Walter S. Smith Jr. in Waco granted Texas officials' request to have the evidence transferred to the custody of the U.S. Marshals Service for use in an upcoming wrongful-death lawsuit filed by the estates and families of dead Branch Davidians. "We want the evidence to be turned over to the court and let litigants have access to it and media," said Francis, the Texas safety commission chairman. "Let the truth come out. Let the chips fall where they may."

Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

Section 3 - The Meaning

Treason is the only crime specifically defined in the Constitution. According to Article III, Section 3, a person is guilty of treason if he or she goes to war against the United States or gives “aid or comfort” to an enemy. He or she does not have to physically pick up a weapon and fight in combat against U.S. troops. Actively helping the enemy by passing along classified information or supplying weapons, for example, can lead to charges of treason. (Cornell.edu).

Vocal opposition to a U.S. war effort through protest and demonstration, however, is protected by the free speech clause in the First Amendment. A conviction of treason must be based either on an admission of guilt in open court or on the testimony of two witnesses. Congress may set the punishment, but it must be directed only at the guilty person and not at his or her friends or family if they were not involved in the crime.

Comments 24

August 19, 2012 in City, Idaho

Ruby Ridge carved niche in history

Bill Morlin The Spokesman-Review

Print

Email Tags:Randy Weaver Ruby Ridge Picture story: 20 years ago:
Ruby Ridge standoff Standoff site: This March 1992 photo shows the remote
location of the Weavers' hand-built cabin.

Ex-reporters recount Ruby Ridge standoff, aftermathAugust 19, 2012

Twenty years ago, a white separatist wanted by federal agents
retreated with his family to a remote mountain-top in Idaho. Three people
died in the standoff that followed, and the event became a defining moment
in the rise of the radical right. View a timeline of events

Ruby Ridge.

Who would have thought 20 years ago this week that those two words
would become an icon, a reference point in American culture?

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Historians and extremism experts offer varying assessments of the 11-day siege that was named Ruby Ridge after a mountain crest near Naples, Idaho, not far from the hand-built cabin of Weaver and his family. It took years, including a congressional hearing in 1995, to sort out the sequence of events, and there are still points of disagreement. But almost everyone – from anti-government activists and racists to academics and historians – agrees that Ruby Ridge was a big deal, with lasting impacts. A midwife for militia movement. The sparks of anti-government anger that Ruby Ridge ignited in August 1992 grew much larger six months later when federal agents engaged in another siege in Waco, Texas. That event left four federal agents and 83 members of the Branch Davidian religious sect dead. Those back-to-back events, experts generally agree, fueled the anti-government movement that lingers today, erupting in occasional violence and deadly threats against law enforcement. The events in North Idaho in August 1992 became “the opening shot in what would soon become a more or less open war between the American radical right and its government,” said Mark

Potok, a senior fellow at the Southern Poverty Law Center and editor of its *Intelligence Report*, a magazine that tracks extremism. Ruby Ridge was a “flashpoint” in U.S. history, Potok said, where “white-hot anger at the federal government finally ignited.”

Randy Weaver-Historian and author Michael Barkun, a professor emeritus at Syracuse University, said Ruby Ridge was of “major significance” to right-wing extremists. “It confirmed the belief that they were at war with the federal government,” he said. “In their minds, other battles were to follow, such as Waco, and with them was generated a preoccupation with movement martyrs – again, a theme for which Ruby Ridge was one of the points of origin,” Barkun said. Mark Pitcavage, director of investigative research for the Anti-Defamation League, said Ruby Ridge must be considered alongside the Branch Davidian standoff. “Had only one of those events occurred, the future might have been different,” Pitcavage said. “Coming as they did as a one-two punch, they had tremendous ramifications that we still feel today.”

The “one-two punch” not only helped galvanize the white supremacist movement; it also reshaped the so-called “patriot movement,” a broad group composed of various anti-government extremists, said Pitcavage, who holds a doctorate in American history from The Ohio State University. Ruby Ridge and Waco also became the “midwife” for the militia movement of the

1990s, he said. “Waco, in a sense, provided people the ability to use Ruby Ridge symbolically without fear of association with white supremacy,” Pitcavage said. “Thus, Ruby Ridge and Waco together ended up not merely mobilizing white supremacists but a much larger section of the extreme right.”

Heidi Beirich, director of the Intelligence Project at the Southern Poverty Law Center, said Ruby Ridge “was the spark that ignited a social movement that exists to this day and has seen its numbers explode since the election of President (Barack) Obama.” The shooting of Randy Weaver’s wife and son by federal agents “set off serious suspicions” of government agencies and law enforcement in the ranks of anti-government activists, “creating a wedge that has only widened,” Beirich said.

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More care taken with zealots

Subsequent standoffs with anti-government extremists - including the Montana Freeman in 1996 - would see more patience on the part of agents of the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives.

"The events of Ruby Ridge, while by no means entirely the fault of the government, did not put law enforcement in a good light," said Potok, of the Southern Poverty Law Center. "Although the tragedy did teach some important lessons, it was not until the bloodless resolution of the 1996 standoff with the Montana Freeman that American law enforcement seemed to fully absorb the notion that it is often better to proceed with tact and caution than overwhelming physical force," he said. His colleague Beirich

agreed, saying law enforcement agencies have “learned to be careful with zealots.” She cited the 12-year-old continuing standoff in Texas with John Joe Gray.

Part of a growing legion of so-called “sovereign citizens,” Gray – like Weaver did in 1992 – refuses to acknowledge the authority of any government and continues to dare police to come and get him. Gray and his family survive without electricity and modern plumbing on a 50-acre farm near Trinidad, Texas, about 70 miles southeast of Dallas. Armed associates help guard Gray on his property where a large garden, stream fish and goat herd support his family.

Unlike Weaver, whose bench warrant arrest was ordered by a federal judge, Gray faces state criminal charges, and his arrest is an issue for the local elected sheriff. Grey was charged with assaulting a Texas state trooper on Christmas Eve 1999 and later jumped bail, refusing to show up in court, claiming he’s a sovereign citizen over whom the government has no control. Four sheriffs later, authorities are still waiting him out. At another standoff in 2007 in New Hampshire, Weaver – viewed as folk hero among anti-government and extremist ranks – showed up to voice his support for convicted tax protesters Ed and Elaine Brown. The pair, later arrested by federal authorities and now in prison, had voiced anti-Semitic and pro-militia views. These days, Weaver doesn’t

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August 19, 2012 in City, Idaho

Ruby Ridge carved niche in history

Bill Morlin The Spokesman-Review

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Picture story: 20 years ago: Ruby Ridge standoff

File photo

Standoff site: This March 1992 photo shows the remote location of the Weavers' hand-built cabin.

(Full-size photo)(All photos)

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Ex-reporters recount Ruby Ridge standoff, aftermathAugust 19, 2012

Timeline

Twenty years ago, a white separatist wanted by federal agents retreated with his family to a remote mountain-top in Idaho. Three people died in the standoff that followed, and the event became a defining moment in the rise of the radical right. View a timeline of events

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A ramped-up response to the threat posed by extremists came after the 1995 Oklahoma City federal building bombing that killed 168 people. It was carried out by Timothy McVeigh, who said he was motivated by events at Ruby Ridge and Waco. "What the U.S. government did at Waco and Ruby

Ridge was dirty, and I gave dirty back to them at Oklahoma City,” McVeigh is quoted as saying in the book “American Terrorist.” The government’s response to such acts of deadly domestic terrorism has led to what some describe as a militarization of law enforcement at all levels, including federal agencies. “For American extremists, the siege at Ruby Ridge symbolizes the ‘militarized police state,’” said Daryl Johnson, a former domestic terrorism analyst for ATF and the Department of Homeland Security.

Johnson is the author of a soon-to-be released book, “Right Wing Resurgence,” that addresses how, in his opinion, domestic extremist threats aren’t being taken seriously enough at the highest levels in the U.S. government. He owns a private consulting firm, DT Analytics, that monitors domestic extremist activity and provides specialized training to law enforcement. The U.S. government, through its Department of Homeland Security in particular, Johnson said, “has unintentionally fostered, and even solidified, Orwellian conspiracies concerning an overzealous, oppressive federal government and its perceived willingness to kill to ensure citizen compliance.” terrorism task forces. For them, extremists – as evidenced by the recent mass killing in Wisconsin – still represent a real concern. So-called sovereign citizens, like the Browns, who think the government has no control over them, are now considered the No. 1 domestic terrorism threat by the FBI.

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The U.S. government, through its Department of Homeland Security in particular, Johnson said, “has unintentionally fostered, and even solidified, Orwellian conspiracies concerning an overzealous, oppressive federal government and its perceived willingness to kill to ensure citizen

compliance.” “In the minds of modern-day extremists, (Homeland Security) has enhanced the lethal capability of many underfunded, small-town police forces through its grant programs,” Johnson said.

Using federal grants, state and local law enforcement agencies have been able to buy expensive equipment and training that are “commonly associated with the military,” he said.

“Extremists view such a security buildup as a continuation of the Ruby Ridge legacy,” Johnson said.

That legacy is a continuing drumbeat for extremists and white supremacists who recruit with the message of “big government versus the little guy” and “the government set me up,” Johnson said.

These extremist ideas continue as messages and even recruiting themes among various radical groups in the United States, he said.

In the past few weeks, various racist and white supremacy websites have mentioned the 20th anniversary, many calling Randy Weaver a hero.

“While many of us have lost loved ones in this war, Mr. Weaver goes down in history as one of our best,” said one comment posted on Stormfront, considered the largest Internet hate site. “I know one White man that has tremendous respect for what the family did on Ruby Ridge,” the commenter said.

<http://www.spokesman.com/stories/2012/aug/19/ruby-ridge-carved-niche-history/>

Bill Morlin covered the Aryan Nations and other extremist groups during his 37-year career as a reporter with The Spokesman-Review. He continues writing about domestic terrorism as a freelance journalist, including for the Southern Poverty Law Center. He can be reached at (509) 981-0096 or at bmorlin@gmail.com.

The scope of this Report is confined to the activities of the Department and the FBI. I have not been asked to evaluate and I make no judgments about the activities of the Bureau of Alcohol, Tobacco and Firearms ("ATF") leading up to the February 28, 1993 gun battle at Mount Carmel. I have been assisted in my investigation and writing of this Report by Ms. Suzan E. DeBusk, Esq. whose invaluable contribution, I gratefully acknowledge.

EXECUTIVE SUMMARY

After reviewing the stand-off at Waco, including the progress of the negotiations and the conception, approval and implementation of the tear gas plan on April 19, 1993, this Report concludes as follows.

The fire on April 19, 1993 was deliberately set by persons inside the compound and was

not started by the FBI's tear gas insertion operations. It is not certain, however, whether a

substantial number of the persons who died in the compound on April 19 remained inside voluntarily, were being held in the compound against their will or were shot in order to prevent their escape from the fire. Preliminary medical reports are that a substantial number of individuals had died of gunshot wounds. Among those shot were young children. Koresh's body was found with a gunshot wound to the forehead. The FBI did not fire on the compound during the tear gas operation, although shots were fired at the FBI from the compound. The FBI did not fire on the compound at any time during the fifty-one day stand-off.

The evidence forecasting David Koresh's intention to orchestrate a mass suicide was contradictory. Koresh and his followers repeatedly assured the negotiators that they did not intend to commit suicide. On several occasions agents were told that suicide was against the Davidians' religious beliefs. However, one released member said there was a suicide plan.

Other released members denied there was a suicide plan. In any event, the

risk of suicide was taken into account during the negotiations and in the development of the gas plan. The FBI developed a coherent negotiating strategy to talk the Davidians out. However, the negotiators had strong objections to pressure tactics they felt were counterproductive. The use of pressure tactics immediately after Koresh sent out Davidians from the compound may have undermined the negotiators' credibility and blunted their efforts to gain the Davidians' trust and to discredit Koresh in the eyes of his followers. Nevertheless, tactical actions designed to increase the safety margin for agents were appropriately given priority over negotiating considerations. I conclude that the events of April 19 were the result of David Koresh's determined efforts to choreograph his own death and the deaths of his followers in a confrontation with federal authorities to fulfill Koresh's apocalyptic prophesy.

The deaths of Koresh, his followers and their children on April 19th were not the result of

a flaw in the gas plan or the negotiation strategy.

The FBI used many qualified experts, including its own FBI behavioral experts to

evaluate Koresh. Their assessments were thorough and many proved quite accurate.

REDACTED FROM PUBLIC REPORT PENDING RELEASE OF
IMPOUNDED MATERIAL.

The Attorney General was adequately briefed on the tear gassing plan, was fully

informed of the options, and was given a realistic appraisal of the risks. All reasonable

alternatives were considered and the decision to insert CS gas was a reasonable one. I

conclude that an indefinite siege was not a realistic option. According to the plan, gas

would be inserted in stages and the FBI would wait 48 hours for it to have an effect. As

the plan was being implemented, the tanks were ordered to enlarge openings in the

compound to provide escape routes for the Davidians.

The FBI did anticipate that a fire might occur at the compound. Fire fighting equipment

was not kept close to the scene because the heavy weaponry used by Koresh and his followers presented unacceptable risks to fire fighters. In any event, the independent arson experts concluded that the fire spread so quickly in the poorly constructed compound that even prompt fire fighting efforts would have been ineffective. The FBI exhibited extraordinary restraint and handled the crisis with great professionalism.

SUMMARY OF THE NEGOTIATIONS

ATF requested assistance from the FBI on February 28, 1993 after ATF agents had attempted to serve an arrest and search warrant on the Branch Davidian Compound. Four ATF agents were killed, 20 agents

wounded and an unknown number of Davidians were killed and wounded in the ensuing gun battle.

The FBI assembled a group of its best and most experienced negotiators from its Critical Incident Negotiations Team ("CINT"). The FBI's behavioral experts from its National Center for the Analysis of Violent Crime ("NCAVC") were assigned to assess the behavior of Koresh and his followers. ATF specifically requested the assistance of the FBI's Hostage Rescue Team ("HRT"), a highly trained and rigorously selected counter terrorist unit designed for high threat tactical assignments. FBI SWAT teams were deployed along with a full crisis management team consisting of three SACs and four ASACs supervising two command posts with full technical support. The FBI arrived at Mt. Carmel on February 28, set up its command posts and began telephone negotiations with the people inside the compound. It was estimated that over 100 men, women and children with nearly 250 weapons were inside the compound. The compound was stocked with a year's supply of food rations and was otherwise prepared to withstand an extended siege. David Koresh, the group's charismatic leader, had been wounded in the gun battle with ATF.

Early negotiations were successful, and twenty-one children and two elderly adults exited the compound during the first six days of the stand-off. On the evening of February 28, 1993 Koresh promised that if a recorded message from him were played on a certain radio station, children would be

released from the compound two-by-two. The message was played for the first time at approximately 7:30 that evening. About an hour later two children, Angelica and Crystal Sonobe, were escorted out of the compound by their mother, who went back in. The message was rebroadcast and two more children, Rene Fagan and Nehara Fagan, were released. The next morning at 6:30 two more children were released; at 10:30 two more were released; at 4:00 two more were released; at 8:30 two more were released and at 11:00 two more were released. The next day, on March 1, 1993 the negotiator asked Koresh if he was going to commit suicide and he replied "I'm not going to commit suicide." He also stated "if I wanted to commit suicide, I would have done it already." The negotiator asked Koresh, "Are you going to let any of your other people kill themselves or die in there?" Koresh replied "I'm not going to do that."

The night of March 1 Koresh advised that everyone would come out if a tape he recorded were played on the radio. On the morning of March 2, 1993 detailed arrangements were made for the surrender of Koresh and the other Davidians upon the playing of the tape. Koresh agreed he would be carried out on a stretcher and would go to a Bradley ambulance with three of the children, while everyone else would go to a waiting bus. Koresh was to exit first while Steve Schneider¹ was to remain in the compound to coordinate the release of the remaining members at one minute intervals. Emergency and transport vehicles were positioned. Koresh recorded his tape and at the negotiators' request recorded a preamble affirming his

promise to surrender. During the day of March 2, two elderly women, Katherine Matteson and Margaret Lawson, and four children exited the compound. Koresh was questioned about suicide and stated, "I dont think anyone's going to commit suicide." The tape was broadcast as agreed between 1:30 and 2:30 p.m. an March 2. The Davidians then advised that they were moving Koresh down the stairs on the stretcher, but that he was in pain from his gunshot wounds suffered in the February 28 shoot-out. Progress was delayed when Koresh began a prayer session. Then Schneider began to preach to the negotiators. Finally, Schneider informed the negotiators that "God had told Koresh to wait". By the evening of March 2, other Davidians had come to the phone and advised the negotiators that "God had told Koresh to wait." Koresh would not come to the phone.²

Meanwhile the United States Attorney's office had arrested and charged the two elderly women who had exited the compound with conspiracy to commit murder. On March 3, 1999 the Davidians heard a broadcast on CNN reporting the arrests. The FBI consolidated log reflects concern by the negotiators that if the Davidians heard of the arrest it would have a "devastating effect" on the negotiations. The FBI immediately persuaded the United States Attorney's office to drop the charges and hold the women as material witnesses instead. The compound was immediately notified of that fact. At this time military style vehicles were visible from the compound. This was contrary to the advice of some of the negotiators and behavioral scientists, who advised that threatening activities would not be

effective against Koresh and his followers and would likely draw them closer together. Steve Schneider complained that the tanks were running over the guard shacks and stated that it is "part of a program of intimidation."

Later on March 3 the negotiators were told that if Koresh were allowed to give a "bible study" then the child Mark Jones would be released. The study was given and Jones was promptly released. His brother Kevin was also released the next day and his sister Heather was released on

March 5. Heather Jones would be the last child released.

Contact with Koresh over the next month and a half met with limited success. Koresh

continued to use the children as a shield against FBI efforts to resolve the stand-off. Koresh

threatened to fire on FBI positions and to blow up government vehicles. The bulk of Koresh's

contact with FBI consisted of proselytizing the negotiators in marathon sermons of rambling

exhortations. Koresh claimed to be Christ and to have knowledge of the seven seals of the

apocalypse. Twelve more adults would exit the compound over the next eighteen days, but

Koresh would refuse to leave claiming that his followers were free to make their own decisions

whether to, remain in the compound with him. More than seventy would perish with Koresh on

April 19th.

On March 5 Koresh requested a suture kit for his hand, a videotape of the released children

and six gallons of milk for the children within the compound. All of these requests were granted.

The Davidians began requesting that Peter Gent's body be removed. Gent had been killed in the

February 28 shoot-out with the ATF and his body remained outside the compound. They also

demanding a line to the media and asked that the Bradley military vehicles be removed from the

These requests were denied.

On March 6, 1993 Koresh told the negotiators that if he were allowed to speak with

an ATF undercover agent, then he would send Melissa Morrison, a six year old girl, out of the

compound. Melissa came to the phone and said she would like to leave. Her mother gave

instructions for family members to care for her. The negotiators told Koresh that the agent

was not in Waco. Melissa Morrison was not released and presumably died in the April 19,

1993 fire.

On March 7 Koresh stated that if the negotiators' could "show him" the third seal of the

apocalypse, then he would release some children. The negotiator attempted to discuss the

seal, but Koresh stated that the negotiator had "failed" and refused to release anyone. Davidian

member Wayne Martin 3 then came to the phone and demanded a line to the media so that they

could find a lawyer to file a lawsuit against the government. Juliette Martinez over the telephone

told the negotiators that if she came out they would separate her from her children and put her

in jail. This day there were 42 separate conversations lasting eleven and a half hours.

The morning of March 8 three Davidians buried the body of Peter Gent. Later that day

Waco Sheriff Jack Harwell was allowed to speak with Koresh as a negotiator. Koresh told the

sheriff not to worry because they were not going to commit suicide. He asked for milk and told

the sheriff that he had sent out money to pay for those necessities. Shortly after that conversation

6 gallons of milk were sent in. That night the Davidians sent out a videotape of the children in the

compound. The negotiators' log shows that when the tape was reviewed there was concern that

if the tape were released to the media Koresh would gain much sympathy.

On March 9 at about 2:15 a.m. power to the compound was cut off. Later that morning

two public address speakers with 100 watt amplifiers were set up. Koresh stated that if the

FBI did not turn the power back on, he would not communicate. Power was restored about

10:30 that morning, so that the Davidians could listen to the daily press conference. Later

that afternoon the Davidians displayed a banner from the compound reading "God help us,

we want the press."

The evening of March 9 the negotiators had a conversation with Judy Schneider and

Rachel Koresh,⁴ both of whom wanted a doctor to be sent in to treat Judy's finger, which had

been wounded in the shoot-out. The negotiator refused and told Judy to come out to be treated.

The negotiator then had a conversation with Steve Schneider and told him to turn off the

halogen lights pointing out to the perimeter or power would again be cut off. There was concern

about the Davidians using the lights to monitor FBI movements around the perimeter. The

Davidians delivered another videotape out of the compound that night.

About 2:30 in the morning on March 10 power to the compound was cut off again. It appears

to have been turned back on later in the day. Some clearing of the grounds must have occurred

that day as well, because that evening Schneider complained about the destruction of a Harley

Davidson motorcycle.

Around 1:00 in the morning of March 11 Schneider told the negotiators that three people

might be coming out the next day. There was conversation throughout the day about who would

be coming out and what would happen to them if they came out. Also that day Schneider told the

negotiators that they had heard a radio broadcast about a shooting star called the "guitar nebula,"

and that Koresh had taken it as a sign. The negotiators felt encouraged that this "sign" could be a

face saving action allowing Koresh to surrender peacefully. At Schneider's request, the negotiators

read Koresh a newspaper article about the nebula. However, Koresh said it was not the sign he

was waiting for.

On the morning of March 12 Kathy Schroeder 5 left the compound, expressing a desire to

be reunited with her four children who had already been released. Her reunion with her youngest

child was filmed and sent back into the compound. She asked to be allowed to call back into

the compound in order to give the other members some confidence in the system because they

were afraid, not knowing what to expect, and she was allowed to do so. In her interview

immediately after her exit Schroeder stated that God had told Koresh not to commit suicide.

She also said that there were people inside who wanted to come out, but that Koresh had a

"total hold" on them. She said many would come out if Koresh told them to, but he would not.

After Schroeder's exit, Steve Schneider began making many demands, including a copy

of the transcript of Kiri Jewell's 6 television appearance, contact with the media, contact with

attorneys and a radio personality to serve as the Davidians' press representative. After these

demands the negotiators were unable to get through to the compound for five hours. During

this time 6 gallons of milk were delivered into the compound. Schneider finally answered the

phone, claimed that there had been mechanical difficulties, and reported that Koresh was

very upset about a radio broadcast that his mother had received \$75,000 for the movie rights

to her story. That evening Oliver Gyarfas exited the compound. Judy Schneider was allowed

to speak to a physician on the phone about her injured hand. After Schroeder and Gyarfas

left the compound, the on scene commander decided that power to the compound would be

turned off that night. The negotiators advised against cutting off the power that night after two

people had come out and more were anticipated to come out. They argued that, it would

hurt the negotiations effort and would cause them a set back at a crucial time in the negotiations.

The justification for cutting the power was that it was going to be a very cold night and

maximum effect would be gained in making the Davidians uncomfortable inside the compound.

Also, cutting the power was designed to challenge Koresh's control of the situation and to

raise the level of stress within the compound to force more departures.

Power to the compound was cut off at 11:00 the night of March 12. Koresh then told

the negotiators that people had changed their minds about coming out because of the power

shut off. Schneider stated that the power shut off was a "huge, huge set-back," and that

he had been considering coming out himself, but had changed his mind because of it. The

power remained out that night and the FBI began using the loudspeakers and shining the

lights on the compound. It was determined that the negotiators would not call into the

compound, but would only answer when they were called. The negotiators were not able

to get through to the compound most of the time on March 13.

On March 14 Oliver Gyarfas was allowed to call into the compound. He stated that

the authorities were treating him well and that he had access to the press. Kathy Schroeder

also spoke to them and said she was treated well and had access to a phone, but she would

not speak to the press until they all came out to tell their story. She urged Schneider to

come out peacefully and told him that time was not on his side. During the night of March

14 and early morning hours of March 15 additional lights were directed toward the

compound.

On March 15 at 5:45 a face-to-face meeting occurred among Waco Sheriff Jack Harwell,

negotiator Byron Sage, Steve Schneider and Wayne Martin. The negotiators believed that

the meeting had been productive and another face-to-face meeting was scheduled for March

17. On March 16 Schneider demanded a copy of the ATF search warrant, which was ultimately

sent in on the 19th. Five audio tapes from relatives were sent in. Schneider then requested that

Phil Arnold or another religious scholar be allowed to discuss the Book of Revelations with them.

He suggested that if a theologian could convince the people that Koresh was wrong, maybe some

40 to 50 people would come out. The log reflects that Arnold had contacted the FBI early in the

stand-off and offered to assist them. A tape of Arnold was later sent into the compound. On

March 17 tapes of released members with positive comments about their release were played

over the loudspeakers. Busses were brought within view of the compound. The loudspeakers

addressed the Davidians telling them the busses were to transport them after their exit. FBI

negotiator Byron Sage went out for the planned face-to-face meeting but no one came out.

On March 18 the FBI began bulldozing material around the compound, including a wood

pile, a dump truck and some fuel tanks. Koresh came to the phone on March 19, assured the

negotiators that he was not going to kill himself and asked them not to destroy any more of the

Davidians' property. He stated that a "new moon" was coming and that they would be coming

out, but they needed more time. Certain documents requested by the Davidians were sent in

that day, including copies of news articles about the stand-off, the ATF search and arrest

warrants, a copy of the firearms act, letters from their attorneys and an audio tape of theologian

Phil Arnold. At 10:00 that night Brad Branch and Kevin Whitcliffe exited the compound. These

two men had been mentioned as people who were leaving the compound on March 12 before

the power had been turned off.

On March 19, 1993, Koresh again disavowed any intention to commit suicide.

On March 20 the FBI agreed to turn off the loudspeakers in honor of the Davidians'

Sabbath. Schneider told the negotiators the afternoon of the 20th that a lot of people might be

coming out. That night Koresh was allowed to speak with Branch and Whitcliffe who had left

the compound and to give them a Bible study over the phone. Shortly after midnight Victorine

Hollingsworth and Anetta Richard exited the compound.

The next morning, on March 21, Rita Riddle and Gladys Ottman exited the compound.

Schneider requested that a female agent search women who left the compound and that request

was granted. Later that afternoon Sheila Martin (wife of David Martin) and Ofelia Santoyo came

out. Sheila Martin was allowed to call back in and speak with her husband. That night Judy

Schneider told the negotiators to give a message to her family telling them to take care of her

daughter Maynah because she will be "detained," suggesting that she was planning to come out

with her daughter.

That evening the negotiators were informed that the on-scene commander had decided to

allow clearing of vehicles around the compound. The negotiators opposed this decision, arguing

that as on March 12, it would harm the negotiations to have negative actions taken when many

people had come out and there was talk of others coming out the next day. The night of March

21 and the early morning hours of March 22 the FBI cleared vehicles around the compound,

played loud Tibetan chants on the loudspeakers and used the external floodlights. Schneider

complained to the negotiators that the last time people came out the power was cut off and this

time they were rewarded with the loud music.

On March 22 a letter from SAC Jamar and Sheriff Harwell was delivered into the com-

pound promising the Davidians access to Koresh's teachings while they were in custody and

promising them access to the media. The offer was conditioned upon the release of all

Davidians by noon of March 23. Koresh reportedly threw the letter away and said he did

not believe any of it. Additionally, a letter from the Christian Broadcast Network promising

to air an interview with Koresh if he came out was sent in. The loudspeakers and lights were

turned on again that night.

On March 22 there was also a meeting between the on scene commander and leaders

of the negotiating, tactical and behavioral science elements to assess whether there was any

possibility of getting a large number of people out in the near future. The negotiating team

submitted a memo which stated that "there is no clear indication that a large number of

individuals will depart shortly from the compound." They did state however, that "the long

term prospect for a peaceful resolution remains good." They recommended escalating the

"stress" within the compound, first by demanding the release of all parties by a certain time,

with all vehicles around the compound being removed if the demand was not met. If that

tactic did not work, then the memo recommended that non-lethal tear gas be introduced.

The morning of March 23 Livingstone Fagan exited the compound. He was the last

Davidian to exit during the standoff. Schneider demanded to speak with Fagan after his

release, but Fagan refused to call back into the compound. Schneider told the negotiators

that if their "bosses" had not done all of the negative things, such as cutting the power, shining

bright lights and playing loud music, twenty people would have been out, but now "you may

have to come in and take his carcass out of here."

Over the night from March 23 to 24 Tibetan chants, Christmas music and recordings of

the negotiations were played and the lights were on. On the morning of March 24 Schneider

informed the negotiators that this day was a Sabbath and they would not negotiate that day.

At the daily press briefing on March 24 Koresh was verbally attacked as a liar and a coward

who hides behind children.

On the evening of March 24 Louis Alaniz penetrated the outer and inner perimeters and

entered the compound. The negotiators asked Schneider to send him out, but Schneider refused.

On March 25 Schneider complained about ATF still being involved and called them a "rene-

gade agency." He also complained about the FBI vehicles running over the children's motorcycles.

He complained that bibles were taken from the released persons and about the "broken promise"

because Livingstone Fagan did not call back in.

The negotiators began a new tactic on March 25. They demanded the release of 20 people

by 4:00. No one was released by the deadline so the FBI cleared motorcycles and go-carts from

the grounds. The negotiators then demanded that 10 people be released. There was a discussion

of exactly who these people would be. The names Julie Martinez, Cliff Sellars, Clive Doyle, Pablo

Cohen, David Thibodeau, Sherry Doyle, David Jones, Scott Sonobe and Livingstone Malcolm were discussed. The negotiators were allowed to speak

directly to several members about coming out. On March 26 the negotiator told Schneider that 10 people must come out by noon.

The negotiators' log reflects that Schneider became angry and said that "These people don't

care! You can kill us whatever, these people fear God (not you)." The log reflects on

March 25 an interview with Lisa Gent, mother of Peter and Nicole, in which she reported

that Peter may have known of plans for a mass suicide. On March 26 Dr. Bruce Perry, a

psychiatrist from Baylor University who interviewed the released children, reported that

he suspected the children may have heard talk about suicide from adults.

As the deadline approached, Schneider reported to the negotiator that he had talked to

people but no one wanted to come out. In response the FBI cleared vehicles and trees from

around the compound. The negotiators told Schneider that no one would be allowed to come

outside the compound. Previously the Davidians had been allowed to come out and feed the

chickens. The negotiators were unable to contact the Davidians by telephone from 5:00 the

afternoon of the 26th until the next morning, when the Davidians hung a banner out reading

that the "tanks broke phone line." On March 26 Jesse Amen penetrated the perimeter and

entered the compound, and the negotiators' log reflects an exit interview with a Davidian in

which a plan was reported for a mass suicide by explosives on March 2 when Koresh had

promised to come out.

At noon on March 27 a box was delivered to the compound containing two blank video

tapes, two batteries for the video camera and a letter from Bill Austin, Chaplain at Baylor, stating

that Koresh had a Biblical obligation to come out peacefully. After that day's press briefing,

Schneider expressed hatred of the ATF and displeasure over the ATF's continued involvement in

the daily press conferences. The ATF spokesman had referred to drugs in the compound, which

had outraged Schneider. It was also reported in that day's press conference that Kathy Schroeder

was going to be charged with conspiracy to commit murder. Previously she had been held only as a

material witness.

On March 27 the negotiators renewed their tactic of demanding the release of 10 people

by a deadline. The deadline was not met and the FBI bulldozed the front fence. Schneider spent

most of that day on the telephone with the negotiators. He told them the property damage did

not matter because he was going "beyond this world." Schneider threatened that if the Davidians

wanted to kill the FBI agents they could do so and said the FBI could burn the compound down

or kill them. He expressed concern that if he came out he would be charged, concern about what

would happen to him in jail and fear of the other inmates. He also stated that he knew Koresh

would be executed if he came out. He said because Kathy Schroeder was charged with murder, he

does not think anyone else will come out. However, Schneider affirmed that he was not going to

commit suicide. Schneider asked if he could speak with an FBI chaplain and suggested a face-to

-face meeting with his attorney, Jack Zimmerman, Sheriff Harwell and the chaplain from Baylor

who had sent in the letter. Schneider told the negotiator that what would work would be to

"throw a match to the building, people will have to come out." Koresh had not come to the

phone for days, despite repeated requests by the negotiators. Schneider said he was sick.

On March 27, 1993 the negotiator asked Schneider if he was going to commit suicide and

he said "Oh, of course not. If I did I'd be lost eternally." On March 28, 1993 Koresh told the

negotiator that "if we was going to commit suicide, we'd have been dead a long time ago."

On March 28 the negotiators demanded that 10 people come out by 12:50. The deadline

was not met. Koresh finally came to the telephone that afternoon and told the negotiators he knew

his life would be over once he went into their hands. He said he knew he would be charged with

murder when he came out. He requested six gallons of milk and they were sent in. On that day

several people tried to enter the compound but were apprehended.

During the clearing operations on March 28 the adults held children up to the windows.

Concern is reflected on the log that they might use the children as shields if fighting broke

out. That night Koresh was allowed a privileged telephone conversation with Dick DeGuerin,

the attorney his mother hired to represent him. The FBI cleared out the ATF trucks and horse

trailers.

The Davidians sent out another videotape on March 28. Dr. Bruce Perry reviewed the tape and

reported his opinion that the children were frightened of Koresh and that Koresh was following

a deliberate plan of deception and had his own plan for ending the standoff in an apocalyptic way. Dr.

Perry expressed the belief that Koresh was stalling for a final battle and wanted law enforcement

to go into the compound so he could take some of them with him. This opinion is reflected in the

negotiators' log on April 1.

On March 29 attorney DeGuerin was allowed to go to the front door and have a private

conversation with Koresh.

On March 30 and 31 two justice department officials, Mark Richard and Jim Reynolds, traveled

to Waco. They were briefed by the FBI commanders on scene and viewed the compound. They met

with representatives of the U.S. Attorneys' office and the Texas Rangers. On April 1 they returned to

Washington and reported to the Attorney General and Associate Attorney General Webster Hubbell

on their assessment of the situation. As a result of that trip changes were made in the prosecutive

team to improve coordination among the investigative agencies and the prosecutors. on April 2 Ray

Jahn, a senior Assistant U.S. Attorney in San Antonio, was designated to head the prosecutive team.

On March 30 and 31 attorney DeGuerin was allowed to go into the compound. On April 1

DeGuerin was allowed to go in with attorney Jack Zimmerman, who was hired by Schneider's

family. When the attorneys were debriefed on April 1 they reported that Koresh said he would

come out after Passover. They said that they advised the members not to speak with law enforce-

ment. There were few conversations between the negotiators and the Davidians during this period.

The Davidians refused to allow the attorneys to come in on April 3 because of their Sabbath,

but the attorneys went in again on April 4. The attorneys reported after that meeting that they still

had no date for Koresh's Passover, but that a plan had been discussed in which Koresh would

come out first, followed by the women and children and Schneider would come out last. On April

4 Jesse Amen, an individual who had sneaked in during the stand-off, exited the compound.

On April 6 Schneider informed the negotiators that Passover started at sundown that day and

would last 7 days. He later complained of the loudspeakers being on during Passover. Several

individuals came out of the compound and into the courtyard several times over the next few days

and were "flash-banged" by the FBI. 7

On April 7 Mark Richard and Jim Reynolds from the Justice Department returned to Waco

and held a meeting of the leadership of all of the agencies involved in the Branch Davidian matter,

including the FBI, the ATF, the Texas Rangers, the U.S. Attorney's office and the Texas Department

of Public Safety. They returned from their trip on April 9 and reported to the Attorney General that

the FBI had raised the possibility of utilizing tear gas to resolve the standoff at the compound.

On April 9 Schneider was allowed to go out of the compound to light 7 canisters of incense

for religious reasons. When he came out he dropped off a letter from Koresh. There was little

phone contact over these days, but Schneider did complain that the Bradleys were running over

Peter Gent's grave, that the agents were "flipping the finger" at them and that people were being

flashbanged.

On April 10 concertina wire was installed around the compound. Schneider informed the

negotiators that they never gave the attorneys a specific time when they would come out. He

brought a second letter from Koresh out of the compound. On April 12 Schneider requested a

copy of a book about the "Koreshians" that he heard about from the negotiators.

On April 12 Department attorneys Jack Keeney, Mark Richard and Jim Reynolds, all

managing attorneys in the Criminal Division, received a general briefing from FBI officials of the

proposed plan to introduce CS gas into the compound if the Davidians did not come out by

the end of Passover. Later that same day a briefing was held at the FBI Command Center for

the Attorney General and the Associate Attorney General on the proposed plan. The plan was

presented not as an all out assault, but as a tactic whereby gas would be inserted in stages,

initially into only one small area of the compound. The goal was to allow exit through uncontam-

inated portions of the compound. The Attorney General requested that she be provided with

more information on the effects of CS gas on pregnant women and children, a military second

opinion on the plan and information on whether it would be possible to cut off the water supply

to the compound.

On April 13 Koresh refused to speak with attorney DeGuerin, but Schneider spoke with

him for a while. Schneider advised that this was the last day of Passover. Koresh agreed to speak

with the attorneys on the phone on April 14 and at that time advised them that he only intended to

leave the compound when he finished a manuscript on the Seven Seals referred to in the Book of

Revelations. Koresh estimated it would take him 14 days. Koresh came on the phone unexpectedly

at midday and preached to the negotiators for five hours nonstop. Several banners were displayed

that day reading "Read Proverbs 1,2,3,4. We Come to Love, Not War", "Let's Have A Beer When

This Is Over", "My Name Is Vega I'm From Hawaii", "Media and FBI Don't Know the Truth. You

You Can't Accept the Truth. We Can Still Have a Few Beers Together", "I'm an American, I Love

America, But BATF Killed My Family and Friends."

On April 14 another meeting was held in the FBI Director's office in which the Attorney

General and Associate Attorney General were briefed on military and medical aspects of

the proposed plan. United States military commanders were present and evaluated the plan

from a military perspective. They reported that rather than a stop and start insertion of the gas,

they would go in full force and gas the whole compound at once. They also reported their

opinion that the HRT had to be pulled out soon because they had been on full alert too long.

A medical doctor reported to the Attorney General on studies of the effects of CS gas

on children, pregnant women and the elderly. The Attorney General directed that a detailed

statement of the plan with supporting documentation be put together.
on April 16 Schneider

reported that Koresh was writing the second seal, but that Schneider
had not edited the first

seal yet. On April 17 Louis Alaniz, one of the persons who had entered
during the stand-off,

exited the compound.

On the afternoon of Saturday, April 17 the Attorney General gave final
approval to the plan

to gas the compound on Monday, April 19, 1993. She advised the
President of her decision on

Sunday, April 18.

On April 18 the remaining vehicles were cleared from in front of the
compound, including

Koresh's prized automobile. Koresh became very upset about his car.
Milk was delivered into

the compound on the 18th along with typewriter equipment.

At approximately 6:00 a.m. on April 19 the gassing operation began.
Negotiator Byron

Sage telephoned the compound and notified Steve Schneider that the
FBI would be inserting tear

gas, but that it was not a lethal assault and they should all come out
peacefully. Schneider

responded by ripping out the phone and throwing it out the door.
Sage continued to announce

over the loudspeaker that this was not a lethal assault and to instruct
the people on how to exit

and receive medical care. The Davidians fired on the vehicles as they
approached the compound.

At noon, fire erupted from three separate areas of the compound. The fire spread quickly,

but the openings in the building appeared to provide a means of escape. Only nine Davidians

survived the fire. They were Renos Avraam, Jamie Castillo, Graeme Craddock, Clive Doyle,

Misty Ferguson, Derek Lovelock, Ruth Ottman Riddle, David Thibodeau and Marjorie Thomas.

A total of 35 people left the compound during the stand-off. Twenty-one children were released

from the compound beginning on February 28, 1993, but no children were released after March 5,

1993. Thus, all of the children were released in the first 6 days of the 51-day stand-off. A total of

14 adults exited the compound during the standoff. Two adults entered the compound during the

stand-off. Both exited before April 19. No Davidian members exited the compound after March

23, 1993 until April 19.

After the fire an independent arson investigation determined that the fire had been started

deliberately by persons inside the compound. The medical examiner found the remains of

seventy five individuals in the debris. Thirteen adult bodies had fatal gunshot wounds. Most

of these wounds were gunshot wounds to the head. Several adults died of gunshot wounds

to the chest and face. Two adults were fatally shot in the back. Three young children were

shot to death and one three year old boy was fatally stabbed in the chest. Two other minors

suffered fatal blows to the head. Koresh died of a gunshot to the mid-forehead. Schneider

died of a gunshot wound of the mouth. The bodies of Koresh and Schneider were found in the

communication room of the compound.

EVALUATION

A. COULD THE FBI HAVE PREVENTED THE DEATHS OF THE BRANCH DAVIDIANS?

1. The Fire

An examination of the burned ruins of the compound by independent arson experts concluded

that the fire was deliberately set from within the compound. It is not clear whether the decision to set

the fire was a unanimous decision of the entire group, or whether some people were held hostage or

were shot to prevent their escape from the fire. A number of children were shot to death.

The Arson Report states:

This fire was caused by the intentional act(s) of a person or persons inside the compound.

Fires were set in three separate areas of the structure identified as points of origin 1, 2

and 3. This investigation establishes that these fires occurred in areas significantly distant

from each other and in a time frame that precludes any assumption of a single ignition source

or accidental cause....Investigative findings further confirm that flammable liquids

were used to accelerate the spread and intensity of the fire.

The Arson Report notes that in addition to the multiple origin points and flammable accelerants,

the spread of the fire was enhanced because the compound was constructed with no consideration

for fire safety, the strong wind from the south intensified the spread and the building contained highly

combustible materials, such as baled hay.

There is also evidence from the Davidians who survived the fire suggesting that the fire was

deliberately set. In a statement given to the Texas Rangers on April 20, 1993 a Davidian stated

that the fire was started with Coleman fuel which had been distributed throughout the compound

in specific locations. Another surviving Davidian was interviewed by the Texas Rangers on April

19, 1993 and stated that he was in the chapel with several other people when the armored

vehicle drove through the front door and he heard the word passed to "start the fires" or

"light the fire," and heard someone else say "make sure." Agent Lloyd Sigler, who spoke with

him immediately upon his exit from the compound, reported him saying that Koresh had

previously spoken of burning the compound if confronted by police. In a May 7 interview that

same Davidian confirmed hearing a conversation about lighting a fire and stated that he thought

there was some plan to burn the building and that he recalled seeing someone deliberately

splashing, pouring or dousing the Chapel area with lantern fuel.⁸

REDACTED FROM PUBLIC REPORT PENDING RELEASE
OF IMPOUNDED MATERIAL.

REDACTED FROM PUBLIC REPORT PENDING RELEASE
OF IMPOUNDED MATERIAL.

The infra red film taken from an airplane at the time the fire started shows intense spots

of heat erupting in different spots in the compound at almost the same time. These locations

were too far removed from each other to have been ignited by the same source. In addition,

many of the HRT personnel who were within sight of the compound when the fire started report

that they saw flames erupt almost simultaneously in different locations in the compound.

The Arson Report concludes that the fire was started by persons inside the compound

and not by the activities of the FBI vehicles. "We are of the opinion that these [tear gassing]

operations did not contribute to the ignition or spread of the fire." The report does not

rule out the possibility that the spread of the fire could have been enhanced by spillage of

flammables caused by the FBI breaching activities. However, given the significant evidence

that the Davidians were deliberately spreading fuel around the compound, there is no reason

to believe that any such spillage would have been a primary factor in the spread of the fire.

The Arson Report also states that the law enforcement breaching operation opened holes in

the compound that allowed the wind into the compound, possibly enhancing spreading, but it

recognizes that at the same time the fresh air may have also given people more time to escape

before they were overcome with fumes from the burning compound.

2. Mass Suicide or Mass Murder?

The medical examiner has determined that Koresh, Schneider and a number of other individuals

who died in the compound on April 19, did not die from the fire, but died from gunshot wounds. It is

not known whether these individuals committed suicide or were shot by others.

Former Davidian Dana Okimoto reported to authorities in an interview on May 27, 1993,

after the fire, that Koresh's biggest fear was that someone would take his wives away and that he

felt that rather than letting someone take his wife, the wife should kill herself and if she could not

do so one of the "mighty men"¹⁰ should do it, since this was one of their duties. Therefore, if people

were shot within the compound it may have been in accordance with the above plan. It is also

possible that some people were shot to prevent their escape from the compound. We may never

know what really happened.¹¹

3. FBI Restraint

The stand-off with the Davidians presented a significant danger to the FBI personnel who

were stationed within range of the compound's weaponry. Investigation by the ATF revealed

that by February 28, 1993 Koresh and his associates had at least 243 total firearms, including

two 50 caliber semi-automatic rifles, numerous assault rifles, shotguns, revolvers and pistols.

The Davidians also purchased hundreds of grenades and 39 "full auto sears" devices used to

convert semi-automatic weapons into automatic weapons. On February 28 shots were fired

from over forty different positions within the compound. The Davidians were trained in the use

of these weapons. Moreover, there was concern that the Davidians had dug tunnels fanning

out from the compound and planned to place explosives in the tunnels under FBI positions.

There is no evidence of any shots being fired at the compound by law enforcement officers

after the cease fire on February 28, 1993.¹² We have reviewed the statements of the agents who

participated in the tear gas assault on April 19, 1993 and none of them claim to have fired their

weapons on April 19. SAC Jamar and ASAC Rogers both state that the FBI did not fire on

the compound that day. However, rounds were being fired from the compound at the FBI on

April 19th. Also, agents reported hearing gunfire within the compound.

The FBI demonstrated admirable restraint in not firing back on April 19 and thereby avoided

being provoked into a gun battle with the Davidians. Outside agencies present on April 19 praised

the FBI's professionalism in their execution of the gas assault.

4. Contingency Planning

The risk of a mass suicide was considered as a possibility during the planning and approval

of the final assault. For example, cyanide poisoning was thought to be a major risk and there-

fore cyanide antidote kits were available on the scene along with an emergency medical facility.

The Attorney General asked about the possibility of a mass suicide.

The evidence of a possible intention to commit mass suicide was contradictory. In a memo

dated March 8 FBI behavioral scientists reported:

KORESH always talks about the "end", suggesting to his followers that "it is closer than you think". If KORESH dies before his followers, the women are to kill themselves and the children. If the women are unable, the men are to help them. KORESH teaches his followers that they must follow him to the "end", even if that means killing themselves.... KORESH realizes that in an environment outside of the compound, without his control over the followers, he would lose his status as the Messiah, thus a mass suicide ordered by KORESH cannot be discounted. His order for a mass suicide would be his effort to maintain the ultimate control over his group, in the event of his death. (emphasis added). Expert Park Dietz reported that he informed SAC Ricks that Koresh was

suicidal and may have made a suicide pact with other members.

Former members and released members also warned of the possibility of suicide. On March 3,

1993 the FBI interviewed Kiri Jewell, a young teenager who lived in the compound with her mother

until shortly before the stand-off. Kiri reported that the Davidians had discussed mass suicide by

cyanide and shooting themselves. She reported that she believed the mass suicide would occur on a

Friday at 1:00 because that is when Koresh believes Jesus died.

A Davidian who left the compound in mid-March was interviewed in the hospital by Texas

Rangers four times from March 24 to March 27 and reported that the Davidians had planned

mass suicide on March 2, 1993, when Koresh had promised to come out of the compound with all

his followers. Koresh planned to exit the compound with Greg Summers, who would have an

explosive device strapped around his waist so that they would blow themselves up in front of the

FBI. In addition, the people, inside the compound planned to blow themselves up so that "We

would all go to heaven that day".

The Davidian also reported telling Margarida Vaega that he preferred to go to sleep and Vaega

responding that she had an injection that would put him to sleep before the explosion. The Davidian

reported that the plan was not implemented because God, told Koresh to wait since God had more

work for Koresh to do. Vaega pinned a note to her daughter's coat in which she said that the adults

would die after the children were released. The note was intended for Vaega's sister.

The psychiatrists who interviewed the released children reported that the children may have

heard discussions of suicide and that some children believed they would never see their parents

again in this life.

However, in interviews with the ATF before March 15, 1993 former Davidians Mark Breault,

Dana Okimoto, Jeanine Bunds and Robyn Bunds, reported that Koresh's teaching was that law

enforcement officers have to be the vehicle for his death in order for his prophesy to come true

and that he cannot kill himself to fulfill his prophesy. Mark Breault, a former Davidian, told that

Koresh taught that the United States government is out to crucify him and that his group would

be killed but they would rise again. Karen Doyle, a follower of Koresh who lived outside the

compound, reported in an interview during the stand-off that Koresh prophesied his own martyr-

dom and that of the group. She stated that to be "exalted" one had to die with Koresh and stated

that she wished she were there at the compound.

Because suicide was seen as a possibility all along, the negotiators frequently asked Koresh

and his followers whether they were going to commit suicide and they were always reassured

that this was against Koresh's teachings.¹³ An agent who interviewed some of the individuals who

left the compound reported that none of them indicated that suicide was a potential possibility

and in fact indicated that such an act would be against their religion.

B. WAS THE FBI'S NEGOTIATION STRATEGY AND ITS
IMPLEMENTATION
ADEQUATE TO RESOLVE THE CONFRONTATION WITH THE
BRANCH
DAVIDIANS?

1. The Negotiation Strategy

The first briefing book presented to the Attorney General states that the strategy was to

"secure the surrender and arrest of all adult occupants of the compound while providing the

maximum possible security for the children within the compound." (Tab B, p. 4). The

negotiators knew they were faced with religious group fanatically devoted to Koresh and his

teachings. It was not certain, however, whether Koresh truly believed his own religious message

or whether he was exploiting his control over his followers for personal gain.

Initially the FBI tried to work within the framework of the Davidians' beliefs to convince

Koresh the standoff was not the apocalyptic event he had prophesied. Evidently Koresh was the

only "expert" in his branch of Branch Davidianism, and so even with advice from religious

scholars, the FBI was unable to influence Koresh's unique interpretation of scripture. The

frustration of working within Koresh's religious framework became apparent when on March 2,

after promising to leave the compound, Koresh said that God had told him to wait. Koresh was

improvising his own theology and was completely beyond the influence of religious arguments

or religious scholars.

Koresh knew that he and other Davidians would be arrested and charged with murder of the

ATF agents. Koresh and others in the compound were acutely aware of the secular consequences

of their acts. Texas has the death penalty by lethal injection. At one point in the negotiations

Koresh joked, "When they give me the lethal injection, give me the cheap stuff, huh?". Efforts were

aimed at convincing Koresh that if he and the others exited the compound they would be treated

well and that they might "beat the rap." Needless to say this tactic was not popular since

it implicitly criticized ATF and could be viewed as disparaging of the four dead ATF agents.

However, the tactic was completely proper in the context of negotiating a nonviolent end to

the standoff.¹⁴

In the face of Koresh's intransigence the final negotiating strategy was developed called

the "trickle, flow, gush" strategy. The objective was to undermine the devotion of individual

members to Koresh. The FBI began speaking to the other members on the phone, playing tapes

of the negotiations and the statements of released members and family members back into the

compound over loud speakers, sending videotapes and pictures of the released children into the

compound and sending in messages from family members. For example, a taped passage from

the negotiations in which Special Agent Byron Sage outwitted Koresh was played over the

loudspeakers for this purpose. The objective was to move the pace of the exodus from the

compound from a trickle to a flow to a mass desertion of Koresh by his followers.

Although others left the compound, this strategy also failed. The number of people leaving

the compound slowed rather than accelerated and the exit of members from the compound

stopped altogether after March 23rd, nearly a month before the final assault. There is evidence

that Koresh was purging his group and therefore these departures from the compound did not

represent defections from Koresh's ranks. Many of the adults leaving the compound appeared

to remain loyal to Koresh.

Koresh broke his promises to leave the compound, and the pace of the releases did not

significantly increase. Koresh had promised to come out on March 2nd if the government

played his tape. The government complied and Koresh reneged. Koresh said he was waiting

for a sign from God. On March 12 he considered the guitar nebula as a possible sign, but

decided it was not the sign he was waiting for. Koresh told his lawyers he would come out

after Passover, but when Passover ended, Koresh said he had not committed to a specific

date to come out.¹⁵ Koresh continued to make excuses to stay in the compound thus reinforcing

the view that he was not devout, only manipulative.¹⁶

Dr. Park Dietz, a Clinical Professor of Psychiatry and Behavioral Sciences at the University

of California, was consulted by the FBI. Dr. Dietz is under contract with the FBI as a forensic

psychiatrist. The FBI flew Dr. Dietz to Mt. Carmel to give his assessment of Koresh. March

2nd Dr. Dietz expressed the opinion that Koresh would not voluntarily leave the compound. He

considered Koresh to be suicidal and stated that Koresh might have made a suicide pact with his

followers. Dr. Dietz described Koresh's personality as manipulative.

Dr. Dietz made a number of recommendations based on his review of documents and the

negotiations up to that point. He recommended that the FBI distance itself from ATF and

express sympathy with Koresh's anti-BATF views. Dr. Dietz expressed the opinion that Koresh

would choose death over losing power, and therefore the negotiation strategy should create the

illusion that Koresh would not go to prison but would emerge with more followers than he had

before.

2. Pressure Tactics

Conflicts were reported between the negotiators and the tactical elements regarding the

strategy to be used with the Davidians.¹⁷ On several occasions tactical pressure was exerted

on the Davidians either without consulting the negotiators or over the negotiators' objections.

The negotiators believed the timing of these tactical activities disrupted the progress of the

negotiations unnecessarily. Additionally, negotiators complained that the HRT engaged in

tactical maneuvers before the negotiators had an opportunity to use the maneuvers to further

the bargaining process.

At the outset of the crisis FBI behavioral scientists recommended against confronting David

Koresh. The negotiators specifically recommended that the Bradley vehicles should not be

brought up to the compound. Despite the negotiators' advice, the Bradleys were run up and

down in front of the compound in what negotiators believed was a show of force.

On March 12 after two Davidians had exited the compound the decision was made to turn off

the electricity in the compound. The negotiators objected to the decision arguing that the Davidians

should be rewarded for releasing two people. The power was turned off. No one was released

for the next seven days.

On March 21 after seven Davidians had exited the compound the negotiators were advised

that the Davidian vehicles would be cleared from the left side of the compound. The negotiators

opposed this action, pointing out that once again the FBI would be answering a positive move on

the part of the Branch Davidians by a negative action. Nonetheless, the bulldozing was implemented.

The negotiators received conflicting justifications for the action being told both that the items

were being moved as a safety measure and to harass the Davidians.

Loudspeakers were initially used to provide information to Koresh's followers still inside

the compound, but contrary to the negotiators' advice the loudspeakers were used to broadcast

Tibetan chants, other annoying music and the sounds of dying rabbits. The negotiators objected

to playing music as a harassment tactic, advising that such "psychological warfare" would only

make the FBI look bad.

Some negotiators believe that as a result of these actions the Davidians concluded that the

negotiators had no influence over the decision makers and that the FBI was not trustworthy.

Several negotiators and behavioral scientists expressed the opinion that although David Koresh

and his core followers may never have come out through negotiation, more people might have

exited the compound voluntarily during the stand-off if the negotiation strategy had been

followed more rigorously.

The negotiators recognized that a traditional negotiation tactic is to put pressure on the

subject at times through tactical activities choreographed with a more gentle negotiating approach.

However, a memorandum dated March 5, 1993 from FBI behavioral scientists stated that "[i]n

traditional hostage situations, a strategy which has been successful has been negotiations

coupled with ever increasing tactical presence. In this situation however, it is believed this strategy,

if carried to excess, could eventually be counter productive and could result in loss of life."

(emphasis added)

Despite these conflicts, I am not confident that more members would have left the compound if

the negotiating strategy had been followed more rigorously. Even though in hindsight the behavioral

assessment of Koresh proved extremely accurate, the most compelling evidence of the resolve

of the Davidians to follow Koresh was their willingness to take their own lives and the lives of their

children in obedience to Koresh. It is this total allegiance to Koresh that was unpredictable. Even

those who left the compound before the fire seemed to remain committed to him. Several expressed

regret that they could not join him in death. Koresh could not be pressured into leaving the compound,

and whatever bound Koresh and his followers was apparently stronger than either force or reason.

3. Communications Between The Negotiating And Tactical Elements

The negotiators and tactical team had regular access to the SACs on scene and frequently

spoke to them on a one to one basis. However, some negotiators believe that joint strategy

meetings of tactical, negotiating, and command elements were held too infrequently. According

to negotiators the first joint strategy meeting was held on March 22. The negotiators were

miles away from the forward command post and rarely came into direct contact with the tactical

commanders.

One of the Technically Trained Agents ("TTA,'s") charged with providing technical support

reported that there were communications problems in the command post and that it seemed

one component did not know what the other was doing. He reported feeling as the service

contingent for the other components the TTA's were often "in the middle," receiving conflicting

instructions or inquiries.

The negotiators reported that they were not satisfied with the quality of the information

flowing from the tactical components to the negotiators. The negotiators complained that the

tactical representative in the command center did not use the RAPID START system, but

generally reported information orally and the negotiators rarely received any written

intelligence information generated by the tactical teams unless they actively sought it out.

Likewise, the tactical units in the forward positions complained about the lack of information

about the negotiations, although they believed that the quality of information they were sending

up from the field was very good. Some of the negotiators realized during the stand-off that

their information was not getting out of the command post and making it to the tactical troops,

even though the negotiators all agreed that the information flow out of the negotiation cell

was excellent. HRT members complained of being "starved for information".

4. The Role Of FBI Behavioral Experts

For the stand-off in Waco the FBI called upon the services of the Criminal Investigative

The Guns of Waco and Ruby Ridge

Published: July 14, 1995
EMAIL
PRINT

There is little doubt that the Federal Government contributed heavily to two of the biggest law enforcement fiascoes in recent memory. One was the disastrous 1993 Federal raid on the Branch Davidian compound at Waco, Tex. The other was the tragic 1992 encounter between the F.B.I. and a band of white separatists at Ruby Ridge, Idaho. It is now equally clear that official investigations into both incidents are themselves flawed. Those in charge of these inquiries must move decisively to prevent any further erosion of credibility.

The House of Representatives will begin hearings next week into the Waco raid. It has come to light that in the course of preparing for the hearings, Republican committee staff members enlisted weapons experts hired by the National Rifle Association to inspect a Davidian weapons arsenal held by the

Texas Rangers. The N.R.A. has little use for the F.B.I. or the Bureau of Alcohol, Tobacco and Firearms, both involved in the Waco raid, and has tried for months to divert attention from the proliferation of firearms in private hands to the alleged misdeeds of Federal agents. This misguided alliance with N.R.A. "experts" has tainted the objectivity of the House investigation and must be terminated.

The House hearings could still be very useful, if only to force Attorney General Janet Reno to explain credibly her decision to let F.B.I. agents batter the Davidian compound and inject tear gas before the cultists set fire to their compound and themselves. But the use of the N.R.A. in the preliminary staff work challenges the Republican chairmen, Representatives Bill Zeff and Bill McCollum, to maintain the objectivity of their investigation.

Meanwhile, the F.B.I. has reopened its inquiry into the confrontation between its agents and white separatists at Ruby Ridge. An earlier investigation led to numerous censures and the bizarre promotion of one censured official, Larry Potts, to Deputy Director of the bureau.

<http://www.apfn.org/apfn/rubyridge.HTM>

National Geographic:
The Final Report (Another B.S. Report)
Standoff at Ruby Ridge [N/A]
Tuesday, March 13, 2007,

AUDIO:
<http://www.apfn.net/pogo/L001I070313RUBY-RIDGE.MP3>

Officials at FBI probed, rewarded
By Jerry Seper, THE WASHINGTON TIMES
November 16, 2002

Senior FBI executives received cash bonuses and promotions while under investigation for suspected misconduct during an internal bureau review of the August 1992 standoff at Ruby Ridge, Idaho, that claimed three lives.

The Justice Department's Office of the Inspector General yesterday said in a report the bonuses and promotions went to former FBI Deputy Director

Larry A. Potts, later demoted and suspended for improper oversight of the deadly siege; and E. Michael Kahoe, a senior FBI executive sentenced to prison for destroying a critical Ruby Ridge document.

Other cash awards and promotions, the report said, went to Danny O. Coulson, former deputy assistant director who worked for Mr. Potts; and three senior FBI executives, Charles Mathews, Robert E. Walsh and Van A. Harp, accused of not conducting proper after-the-fact investigations to determine what happened at Ruby Ridge.

"While a presumption of innocence is usually appropriate while a subject is under investigation, rewarding a subject who is later found to have committed misconduct can result in adverse consequences," the report said. "The FBI should be mindful of the message it sends to both the investigators in a particular case and the rest of the FBI when subjects of an investigation are promoted or receive bonuses or awards while under investigation.

"This is especially true where high-level officials are under investigation, because investigators may interpret the giving of an award as an indication that senior management has already judged the merits of the investigation," it said.

The inspector general's report is the result of an investigation to determine whether the FBI's system of discipline is unfair because senior bureau executives are treated more leniently than rank-and-file agents. Investigators used the Ruby Ridge incident as an example.

The report concluded there was insufficient evidence to prove a double-standard of discipline, in part, because of the low number of cases involving senior executives, but that the FBI "suffered and still suffers from a strong, and not unreasonable, perception among employees that a double standard exists."

In the Ruby Ridge case, Vicki Weaver was killed Aug. 22, 1992, by FBI sniper Lon Horiuchi. He was acting on shoot-on-sight orders, although it has never been determined who authorized a change in the bureau's rules of engagement that allowed the shooting. Her son, Samuel, 14, and Deputy U.S. Marshal William F. Degan, died in a separate shootout a day earlier.

Mrs. Weaver's husband, Randy, had been sought on weapons violations. He and a family friend, Kevin Harris, also were wounded. They were charged in Mr. Degan's death, but acquitted by an Idaho jury.

Mr. Potts and Mr. Coulson, who directed the siege from Washington, denied ordering changes in the bureau's deadly-force policy. But Eugene F. Glenn, who headed the Salt Lake City office and was the on-site commander at

Ruby Ridge, and Richard Rogers, head of the FBI's hostage-rescue team, have disputed the claims of Mr. Potts and Mr. Coulson.

Among the FBI executives named in the report, only Mr. Kahoe was found guilty of any wrongdoing. Several were recommended for suspension or demotion, but only letters of censure were ever issued.

The inspector general's report said Mr. Potts was named acting deputy director in 1994, prior to the completion of an internal FBI investigation into government conduct during the Ruby Ridge siege. The report said despite Mr. Potts' receipt in January 1995 of a letter of censure in the Ruby Ridge matter, he was named deputy director in May 1995.

According to the report, Mr. Coulson was promoted to agent-in-charge in Baltimore in April 1993 while still a focus of the FBI's internal Ruby Ridge investigation. It said he was given a cash award of \$5,590 in November 1993, although the investigation remained active.

Mr. Coulson was named to lead the FBI's Dallas office in September 1994, the report said, before recommendations regarding discipline in Ruby Ridge had been completed. He later received a letter of censure for his role in the standoff.

Mr. Walsh received a cash award of 5 percent of his salary while under investigation by the Justice Department's Office of Professional Responsibility (OPR) in the Ruby Ridge matter, the report said. It said he was named agent-in-charge of the FBI's San Francisco field office in December 1996 while he was the focus of a separate criminal probe of Ruby Ridge by U.S. Attorney Michael Stiles in Philadelphia.

According to the report, FBI Director Louis J. Freeh asked the OPR and Mr. Stiles about the promotion, and the OPR did not object, Mr. Stiles declined comment. The report said a memo to Attorney General Janet Reno requesting approval for Mr. Walsh's move to San Francisco did not mention the investigation.

Mr. Harp, now head of the Washington field office, was named agent-in-charge in Cleveland after OPR began an investigation into the inadequacy of his after-the-fact Ruby Ridge probe, the report said. It said a memo to Mr. Freeh presenting Mr. Harp's qualifications did not mention the ongoing probe, although the inspector general's report said Mr. Freeh was aware of the investigation and its scope.

In addition, the report said, Mr. Harp was given a cash bonus of \$8,099 in November 1997 while under investigation in the Ruby Ridge matter and a \$14,208 bonus in October 1998 while that inquiry continued and a separate

probe began into his role in the receipt of travel reimbursements by FBI senior executives to attend a 1997 retirement party for Mr. Potts.

Mr. Walsh and Mr. Harp had been assigned to investigate accusations of misconduct by the government in the Ruby Ridge matter. The OPR later said they did not take sufficiently aggressive steps in the probe and avoided uncovering the full truth to protect Mr. Potts and Mr. Coulson.

The report said Mr. Mathews was promoted to the FBI's Senior Executive Service (SES) in July 1995 after the OPR had begun its investigation into accusations that a separate internal Ruby Ridge inquiry he headed was inadequate. It said Mr. Mathews, who served as a top assistant to Mr. Coulson in Portland, Ore., from 1988 to 1990, was promoted to agent-in-charge in New Orleans in June 1997 while the OPR investigation continued.

Mr. Mathews was assigned to find out what, if any, disciplinary action should be taken against FBI personnel involved in the Ruby Ridge incident. His report recommended discipline for several agents at the scene, but did not contain any recommendations for discipline for Mr. Potts or Mr. Coulson.

The inspector general's report said Mr. Kahoe got a cash award of \$7,126 in November 1993 during the initial Ruby Ridge investigation and was named agent-in-charge in Jacksonville, Fla., in June 1994 while still under investigation. He pleaded guilty in October 1996 to obstruction of justice and was sentenced to 18 months in prison.

Mr. Kahoe destroyed a November 1992 after-action report that referred to "problems" in the FBI's conduct during the Weaver siege. The document had been sought by federal prosecutors in Idaho, but was never made available.

<http://washingtontimes.com/national/20021116-28573828.htm>

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(This is an excerpt from a remarkable book by Gerry Spence called "From Freedom To Slavery, The Rebirth Of Tyranny In America.")

First They Came For The Fascists....
by Gerry Spence

Randy Weaver's wife was dead, shot through the head while she clutched her child to her breast. His son was shot, twice. First they shot the child's

arm, probably destroyed the arm. The child cried out. Then, as the child was running they shot him in the back. Randy Weaver himself had been shot and wounded and Kevin Harris, a kid the Weavers had all but adopted was dying of a chest wound. The blood hadn't cooled on Ruby Hill before the national media announced that I had taken the defense of Randy Weaver. Then all hell broke loose. My sister wrote me decrying my defense of this "racist". There were letters to the editors in several papers that expressed their disappointment that I would lend my services to a person with Weaver's beliefs. And I received a letter from my close friend Alan Hirschfield, the former chairman of chief executive officer of Columbia Pictures and Twentieth Century Fox, Imploring me to withdraw.

He Wrote:

"After much thought I decided to write this letter to you. It represents a very profound concern on my part regarding your decision to represent Randy Weaver. While I applaud and fully understand your motives in taking such a case, I nonetheless find this individual defense troubling. It is so because of the respectability and credibility your involvement imparts to a cause which I find despicable.
 .(....remainder of letter deleted for brevity, but wanted Gerry to not defend Weaver, as it would support the militant groups.....)

The next morning I delivered the following letter by carrier to Mr Hirschfield

"I cherish your letter. It reminds me once again of our friendship, for only friends can speak and hear each other in matters so deeply a part of the soul. And your letter reminds me as well, as we must all be reminded, of the unspeakable pain every Jew has suffered from the horrors of the Holocaust. No better evidence of our friendship could be shown than your intense caring concerning what I do and what I stand for.

I met Randy Weaver in jail on the evening of his surrender. His eyes had no light in them. He was unshaven and dirty. He was naked except for yellow plastic prison coveralls, and he was cold. His small feet were clad in rubber prison sandals. In the stark setting of the prison conference room he seemed diminutive and fragile. He had spent 11 days and nights in a standoff against the government and he had lost. His wife was dead. His son

was dead. His friend was near death. Weaver himself had been wounded. He had lost his freedom. He had lost it all. And now he stood face to face with a stranger who towered over him and whose words were not words of comfort. When I spoke, you, Alan, were on my mind.

TEST OF IMMUNITY

Charges dropped in Ruby Ridge case

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FBI Sniper Lon Tomohisa Horiuchi

Weaver Family

Charges Dropped in Ruby Ridge case
Thu Jun 14 18:11:03 2001

Charges dropped in Ruby Ridge case
Prosecutor: FBI sniper will not go to trial in shooting death
ASSOCIATED PRESS

SPOKANE, Wash., June 14 — An FBI sniper who shot and killed the wife of white separatist Randy Weaver at Ruby Ridge will not be tried in an Idaho courtroom, an Idaho county prosecutor said Thursday. Last week, a sharply divided 9th U.S. Circuit Court of Appeals ruled that FBI sniper Lon Horiuchi could face trial on an involuntary manslaughter charge for the death of Vicki Weaver in the 1992 standoff.

BOUNDARY COUNTY, Idaho, Prosecutor Brett Benton issued his decision in a news release from his Bonners Ferry, Idaho, office. He gave no reasons.

The involuntary manslaughter charge had been filed by Benton's predecessor, Denise Woodbury. She lost to Benton in last year's election.

Special Prosecutor Stephen Yagman, a Los Angeles attorney appointed by Woodbury to handle the case, said he did not take part in the decision against prosecution.

"Were there to be a different prosecutor in Boundary County, the charge, or more severe charges such as second-degree murder, could be refiled," Yagman is quoted

as saying in the same news release.

TEST OF IMMUNITY

The Ruby Ridge case was seen as a test of whether federal agents are immune from state prosecution. The federal government declined to prosecute Horiuchi, but last week's 6-5 ruling by the appeals court cleared the way for Idaho prosecutors to pursue charges against him.

The appeals court agreed with Boundary County attorney Ramsey Clark, who argued in December that immunity cannot be granted until there is an evidentiary hearing to determine whether Horiuchi acted unlawfully. If a judge ruled that Horiuchi acted unlawfully, then the case could go before a jury.

Horiuchi's attorney, Adam Hoffinger, was out of the country and not available for comment Thursday.

No one answered the telephone at Randy Weaver's Iowa home on Thursday.

NATIONWIDE DEBATE

The standoff near Bonners Ferry prompted a nationwide debate on the use of force by federal agencies. It began after government agents tried to arrest Randy Weaver for failing to appear in court on charges of selling two illegal sawed-off shotguns.

The Weaver's cabin had been under surveillance for several months when the violence began with the deaths of Deputy U.S. Marshal William Degan, Weaver's 14-year-old son, Samuel, and the Weaver family dog, Striker.

During the standoff, Horiuchi shot and killed

Weaver's wife and wounded family friend Kevin Harris. Witnesses said the sharpshooter fired as Vicki Weaver held open the cabin door, her 10-month-old baby in her arms.

Horiuchi has said he didn't see Vicki Weaver when he fired at Harris, who was armed and was ducking inside the cabin. He also said he fired to protect a government helicopter overhead.

APPEALS COURT TROUBLED

The appeals court appeared troubled with the case.

Those in dissent said the majority was using hindsight in "dissecting the mistakes" of Horiuchi.

They called the majority's opinion a "grave disservice"

to FBI agents and argued that Horiuchi, who is still an FBI agent, should be immune from prosecution.
The standoff ended after Harris and Weaver

The Ruby Ridge Prosecutions

by Paul Blackman & David Kopel

A slightly different version of article was pulished in the Las Vegas Review-Journal, Aug. 31, 1997

Which is better: letting criminals go free, or prosecuting both a crime victim and a criminal? Folks who just want to let the criminals go should applaud the federal Department of Justice's decision not to prosecute any of the federal officials involved in the fatal shootings of Vicki and Sammy Weaver, in Ruby Ridge, Idaho. Folks who like seeing the innocent and the guilty prosecuted simultaneously, though, should enjoy the decision of the Boundary County, Idaho, prosecutor to bring charges against both Lon Horiuchi (who killed Vicki Weaver) and against Kevin Harris (who has already been tried and acquitted for defending himself against an attack by federal agents).

Unfortunately, the decisions of both the federal and state prosecutors mean that several of the criminals at Ruby Ridge will never be charged with anything.

Consider Larry Potts, the Washington FBI headquarters man in charge of Ruby Ridge.

The prosecutors investigated Larry Potts for approving the dramatic change in the "rules of engagement" for the FBI's siege of the Weaver family's remote Idaho cabin in August, 1992. According to the official FBI guidelines, deadly force is allowed only when necessary to protect someone against immediate danger. The rules of engagement are not based on the whims of FBI officials, or even on the acts of Congress. Instead, the limits on deadly force are implicit in the Constitution, and therefore decreed by the Supreme Court.

At Ruby Ridge, Idaho, the normal, constitutional rules of engagement were changed; the new rules were orders to kill any armed adult male seen on the Weavers' property. The non-prosecution of Larry Potts is based on a disputed fact: it cannot be proven that Potts approved the order saying FBI agents "can and should" shoot.

But there is no real dispute that Potts approved an earlier change in the rules of engagement, saying the FBI "could" shoot any armed adult male.

(Randy Weaver and his friend Kevin Harris often carried guns on their own property, as is completely legal under Idaho law.) Even if Potts didn't approve the "order to kill" rules of engagement, he clearly did approve a "license to kill" rule, which is illegal and unconstitutional. But he's getting away with it.

FBI sniper Lon Horiuchi-- who shot Vicki Weaver in the head while she was standing in the cabin doorway, holding her baby in her arms--is being charged with voluntary manslaughter by the local Idaho prosecutor. The federal government, though, is leaping to Horiuchi's defense, because he was obeying an order. But the Nuremberg and My Lai prosecutions have established that "I was just following orders" is no excuse for killing innocent people. The license-to-kill orders were so outrageous that other FBI snipers at the scene -- for example, the SWAT team from Denver -- agreed among themselves that the license-to-kill order should not be obeyed. The Denver agents chose to disobey the unconstitutional order, and instead to stick with the traditional rules of engagement.

Besides choosing to obey an illegal assassination order, Horiuchi lied under oath at Randy Weaver's trial. Horiuchi claimed that he opened fire on Randy Weaver and Kevin Harris because the two men were threatening to shoot an FBI helicopter. But the trial judge found this testimony so blatantly false that he ordered the charges related to the testimony to be dismissed. (The helicopter was nowhere near where Weaver or Harris could have shot at it.)

Moreover, sniper Horiuchi violated even the illegal rules of engagement. True, he did obey the illegal orders when he shot at Randy Weaver and Kevin Harris, who were outside their cabin carrying guns.

But Horiuchi's second shot violated even the license to kill rules; the second shot was the one that killed Vicki Weaver, as she was standing in the doorway of her cabin, holding her baby.

The rules prohibited firing a shot if it would endanger any children.

Horiuchi claims that he never saw Vicki Weaver standing in the doorway, and his shot that killed her was really intended to kill Kevin Harris, who was running back into the cabin. Let's assume that Horiuchi was telling the truth about what he saw. (Let's also ignore the substantial evidence that the FBI had plans to kill Vicki Weaver--who was not accused of any crime--because she was the "dominant" member of the family.)

Even Horiuchi's version of the facts shows that he violated the rules. After the shooting, Horiuchi drew a d Horiuchi claims that he never saw Vicki Weaver standing in the doorway, and his shot that killed her was really intended to kill Kevin Harris, who was running back into the cabin. Let's

assume that Horiuchi was telling the truth about what he saw. (Let's also ignore the substantial evidence that the FBI had plans to kill Vicki Weaver--who was not accused of any crime--because she was the "dominant" member of the family.)

Even Horiuchi's version of the facts shows that he violated the rules. After the shooting, Horiuchi drew a diagram of the target he had aimed at. His drawing shows that he was aiming at a part of the door approximately ten inches above where he thought 16-year-old Sara Weaver was crouching. She wasn't there, to be sure; but that's where Lon Horiuchi was aiming -- just above the head of someone the rules of engagement prohibited him from endangering.

And when he fired, in violation of the rules of engagement, he killed Vicki Weaver and injured Kevin Harris.

This is the basis for the manslaughter charge against Horiuchi: his second shot was so reckless that he is culpable for the death that resulted.

True enough, but what about Horiuchi's first shot: his intentional, illegal attempt to kill Randy Weaver
Why no charge for this crime? And why no charge for all the FBI officials--from field commanders all the way up to Larry Potts, who authorized the FBI snipers to shoot people illegally?

The FBI came on the scene a few hours after a shoot-out between a squad of U.S. Marshals and the Weaver family. Why are no charges being filed against the United States Marshal who shot fourteen-year-old Sammy Weaver in the back, as the unarmed Sammy was running home, away from the confrontation?

Amazingly, the only person being charged by the Idaho prosecutor for the initial shoot-out is the Weavers' friend Kevin Harris. During that shoot-out, Harris killed a United States Marshal, and said he was acting in self-defense. The federal government prosecuted him for the killing in 1993, and he was acquitted.

The Constitution outlaws prosecuting a person twice for the same crime. But the Supreme Court has gutted this rule, by allowing separate prosecutions by the state and federal governments.

Given the strange decisions of the federal and Idaho prosecutors, Congress and the state legislatures should promptly take two steps: First, enact legislation barring double state/federal prosecution for the same alleged crime. Second, pass resolutions calling for a special prosecutor to investigate the federal officials responsible for the deaths at Ruby Ridge.

Paul Blackman and David Kopel are the authors of "No More Wacos: What's Wrong with Federal Law Enforcement and How to Fix It" (Prometheus Books, 1997).

Both FBI HQ and the Site Commanders in Idaho re-evaluated the situation based on information they were receiving from US Marshals Hunt, Cooper and Roderick about what had happened on August 21. On about August 24, 1992, the fourth day of the siege on the Weaver family, FBI Deputy Assistant Director Danny Coulson wrote a memo:

OPR 004477

Something to Consider

1. Charge against Weaver is Bull Shit.
2. No one saw Weaver do any shooting.
3. Vicki has no charges against her.
4. Weaver's defense. He ran down the hill to see what dog was barking at. Some guys in camys shot his dog. Started shooting at him. Killed his son. Harris did the

shooting [of Degan]. He [Weaver] is in pretty strong legal position." [10][55] On August 26, 1992, 10:53 a.m., the Rules of Engagement that had been in effect since the arrival of the HRT on August 22 were revoked.[56]

The stand-off was ultimately resolved by sympathetic civilian negotiators including Bo Gritz, Jack McLamb, and Jackie Brown. Harris surrendered on August 30. FBI HRT Commander gave Gritz a deadline to get the remaining Weavers to surrender, else the standoff would be resolved by a tactical assault.[57][58] Randy Weaver and his daughters surrendered the next day. Both Harris and Randy Weaver were arrested. Weaver's daughters were released to the custody of relatives, although some consideration was given to charging Sara, who was 16, as an adult.[59]

At the trial that followed, Weaver was ultimately acquitted of all charges except missing his original court date and violating his bail conditions, for which he was sentenced to 18 months and fined \$10,000. Credited with time served, Weaver spent an additional 4 months in prison. Weaver's defense attorney, Gerry Spence, rested his case without offering a defense. Instead he convinced the jury to find as they did merely through his cross-examination and discrediting of the government witnesses and evidence.

Kevin Harris was defended by attorney David Niven and acquitted of all charges.

Defense counsels for Randy Weaver and Kevin Harris alleged throughout their 1993 trial that agents of the ATF, USMS, and FBI were themselves

guilty of serious wrongdoing, leading the Department of Justice (DOJ) to create a "Ruby Ridge Task Force," which delivered a 542-page report on June 10, 1994, to the DOJ Office of Professional Responsibility (OPR). The report was never officially released, although a redacted version was circulated by Lexis Counsel Connect,[60] an information service for attorneys. Questions persisted about Ruby Ridge and the subsequent Waco Siege, which involved the same agencies and many of the same officials. The Senate Subcommittee on Terrorism, Technology and Government Information held fourteen days of hearings, ending on October 19, 1995. The hearings were broadcast on CSPAN and confirmed many of the questions raised by the DOJ OPR Report.[61]

Aftermath[edit]

Both the internal 1994 Ruby Ridge Task Force Report and the public 1995 Senate subcommittee report on Ruby Ridge criticized the rules of engagement as unconstitutional. A 1995 GAO report on use of force by federal law enforcement agencies stated: "In October 1995, Treasury and Justice adopted use of deadly force policies to standardize the various policies their component agencies had adopted over the years." The major change was the requirement of a reasonable belief of an "imminent" danger of death or serious physical injury, which brought all federal LEA deadly force policies in line with US Supreme Court rulings (*Tennessee v. Garner*, 471 U.S. 1, 18 (1985) and *Graham v. Connor*, 490 U.S. 386 (1989)) that applied to state and local LE agencies.[62]

The surviving members of the Weaver family filed a wrongful death suit for \$200 million. In an out-of-court settlement in August 1995, the federal government awarded Randy Weaver \$100,000 and his three daughters \$1 million each. The government did not admit any wrongdoing in the deaths of Sammy and Vicki.[63][64] On the condition of anonymity, a DOJ official told the *Washington Post* that he believed the Weavers probably would have won the full amount if the case had gone to trial.[65]

FBI director Louis Freeh disciplined or proposed discipline for twelve FBI employees over their handling of the incident and the later prosecution of Randy Weaver and Harris. He described the incident before the U.S. Senate hearing investigation as "synonymous with the exaggerated application of federal law enforcement" and stated "law enforcement overreacted at Ruby Ridge." [66]

A CBS miniseries about the Ruby Ridge incident, entitled *Ruby Ridge: An American Tragedy*, aired on May 19 and May 21, 1996. It was based on the book *Every Knee Shall Bow* by reporter Jess Walter and starred Laura Dern as Vicki, Kirsten Dunst as Sara, and Randy Quaid as Randy.[2] The TV series was edited together in movie form as *The Siege at Ruby Ridge*. [67]

FBI HRT sniper Lon Horiuchi was indicted for manslaughter in 1997 by the Boundary County, Idaho, prosecutor just before the statute of limitations for the crime of manslaughter expired, but the trial was removed to federal court and quickly dismissed on grounds of sovereign immunity.[68] The decision to dismiss the charges was reversed by an en banc panel of the Ninth Circuit, which held that enough uncertainty about the facts of the case existed for Horiuchi to stand trial on state manslaughter charges.[69] Ultimately, the then-sitting Boundary County Prosecutor, Brett Benson, who had defeated Woodbury in the 2000 election, decided to drop the charges because he felt it was unlikely the state could prove the case and too much time had passed. Yagman, the special prosecutor, responded that he "could not disagree more with this decision than I do." [70]

Kevin Harris was also indicted for the first-degree murder of DUSM Bill Degan, but the charge was dismissed on grounds of double jeopardy because he had been acquitted in the federal criminal trial on the same charge in 1993.[71]

Randy and Sara Weaver wrote a 1998 paperback book, *The Federal Siege at Ruby Ridge*, about the incident (the appendix of the book is a reprint of the 1995 Report on the U.S. Senate Ruby Ridge Hearing).

The attorney for Kevin Harris pressed Harris's civil suit for damages, although federal officials vowed they would never pay someone who had killed a U.S. Marshal. In September 2000, after persistent appeals, Harris was awarded a \$380,000 settlement from the government.[72]

The Weaver family, including Randy, later moved to Kalispell, Montana, where Sara and the other two Weaver daughters are employed. After becoming a born-again Christian, Sara Weaver said in 2012 that she had forgiven the federal agents who killed her mother and brother.[73]wiki-

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Waco Questions Congress Refuses to Answer
by Carol Moore
member of the Committee for Waco Justice
and author of "The Davidian Massacre"

In early 1995 many Americans held high hopes that Republican-promised "Waco hearings" would finally expose federal agents' crimes against the Davidians and the government coverup of those crimes. The House of Representatives held ten days of "Waco" hearings in the summer of 1995. The Senate held two days of such hearings in the fall. The hearings did reveal over-aggressiveness and duplicity by agents and officials of the Bureau of Alcohol, Tobacco and Firearms (BATF) and the Federal Bureau of

Investigation (FBI). However, Congress' final conclusion followed the party line -- the Davidians ambushed BATF and committed mass suicide. Questions of crimes by these agents were rarely raised and evidence of such, when alleged or chanced upon, discounted.

Nevertheless, citizens continue to produce new books and films cataloguing compelling evidence that hyped-up BATF agents shot first as David Koresh opened the front door, even as other agents shot from helicopters, killing four Davidians. BATF left ample bullet hole evidence in the walls and roofs of the building of this indiscriminate and illegal gunfire. The Davidians repeatedly told negotiators that when this evidence was discovered Davidians would be freed and federal agents would be prosecuted. Fearing they were right, and angry at the deaths of four BATF agents, FBI Hostage Rescue Team agents deliberately destroyed evidence of BATF gunfire outside the building. And they repeatedly sabotaged negotiations and pushed for a gas and tank attack that could -- and ultimately did -- destroy the building and its incriminating evidence.

Many Americans believe the U.S. Congress cares more about protecting these federal agents from prosecution than about protecting the American people from such agents. If Congress is to reassure the American people this is not true, it must re-open hearings on Waco to answer the questions below and/or call for a special prosecutor. For action call or fax:

House Judiciary Committee 202/225-3951 fax-225-7682
 Senate Judiciary Committee 202/224-5225 fax-224-9102
 QUESTIONS ABOUT APRIL 19, 1993

8. While FBI agents claim Davidians threw their phone out the window on April 19, Davidians deny this, asserting that a tank cut the phone wire before the gas attack began. This made it impossible for Davidians to negotiate a safe surrender. The same agents claim Davidians immediately fired on the tanks, which Davidians also deny. This gunfire allegation gave the FBI the excuse to speed up the gas attack and quickly proceed to the demolition of the building -- and an excuse not to fix the phones. Such actions and lies by the agents ensured that the building would be destroyed. They also ensured Davidians would be terrified of exiting and being shot, even as they hung a banner asking that their phones be fixed. Why doesn't Congress take every FBI agent at the scene aside and grill each about the events of that day?

9. During the House hearing Representative Howard Coble complained that the U.S. Army had not yet provided to the Committee any evidence of alleged damage to army tanks from Davidian gunfire on April 19. One staffer told me they did finally receive that material from the army. However, if so, it was not included in the transcripts, as requested by Mr.

Coble. Is the House investigating committee hiding evidence that there was no Davidian gunfire?

10. Before Attorney General Janet Reno left the FBI Operations Center in Washington on April 19, around 11:00 a.m., she had a telephone conversation with Bill Clinton, one she mentioned during the 1993 House hearings. Incredibly, in neither these nor 1995 hearings did representatives question her about the content of this conversation. Reno left soon after and put then-Associate Attorney General Webster Hubbell in charge. Representatives did not ask her questions about what communication she had with Hubbell in the next two hours that passed before the fire. Nor have they asked if wealthy Waco businessman Bernard Rappaport -- who paid Hubbell \$18,000 after he resigned in disgrace from the Justice Department -- might have had any input into Justice Department or White House decisions on Waco. Nor have they asked Lisa Foster why one reason she believed her husband, White House counsel Vince Foster, killed himself was he felt guilty about "Waco."

11. Will Congress finally dispute the FBI and Justice Department claims that nearly two dozen Davidians were on the first floor but refused to leave the building? Davidians claim these men and women were trapped on the second floor because the tanks destroyed the stairwells.

12. Former U.S. Army and BATF fire investigator Richard Sherrow testified at the hearings. He later signed an affidavit for the Davidian civil suits stating that there is a strong probability that an FBI tank started at least one fire on the second floor that, fed by strong winds through long hallways, quickly spread to the rest of the building. He notes suggestive evidence that FBI agents shot an incendiary "flash bang" into the gymnasium after the first fire started. Will Congress finally take this evidence seriously -- even it means the U.S. government may lose 1.5 billion dollars in lawsuits?

13. Why did several FBI tanks continue ploughing burning, bullet-pocked walls and other evidence into the fire for at least ten minutes towards the end of the fire, as seen on television videos? (During the hearings one FBI tank driver volunteered a dubious answer, a possible attempt to pre-empt such a question.)

14. The controversial new film "Waco: The Rules of Engagement" provides evidence relevant to most of the questions above. It also presents infrared video experts who opine that there is clear infrared video evidence that FBI agents shot at Mount Carmel, perhaps at escaping Davidians, during the fire. Will Congress take these allegations seriously enough to grill FBI agents about this?

QUESTIONS ABOUT PROSECUTORIAL MISCONDUCT

IN BRANCH DAVIDIAN TRIAL

15. Confidential memoranda and handwritten notes revealed during the 1995 House Waco hearings exposed the fact that the Treasury Department, under pressure from the Justice Department and Webster Hubbell, halted its post-February 28 raid shooting review because agents' stories "did not add up." In fact, interviewers were generating "exculpatory" material that could help the Davidian defendants at trial. Hubbell promised to produce his "Waco files" to Congress, but did not do so. Does Congress condone this unconstitutional Justice Department practice of squelching evidence that might help defendants?

16. The Department of Justice would not allow a company chosen by House investigators to independently test the Davidians' guns to see if they really are illegal machine guns, or if the FBI was falsely claiming this. It then claimed the Department could not afford to independently test them. Considering recent findings of faulty FBI lab work, and even evidence of fabrication of evidence, this FBI allegation, which has led to 140 year sentences for six Davidians, must be independently verified.

Former Los Angeles police officer Mark Fuhrman said on his infamous tapes, "cops" don't need to conspire together to protect each other when they commit crimes, they know what to do. The same goes for federal agents, even from competing agencies like BATF and FBI. These are "cover your butt" conspiracies. However, a truly committed Congress can break through law enforcement's vow of silence. Otherwise "Waco" will remain a prime symbol of the crumbling legitimacy of the federal government.
<http://www.serendipity.li/waco/moore4.html>

Conclusion

For the audience/reader to try and create through a lens' which does not compromise or surrender objectivity, integrity, and moral accountability, as U.S. citizens' and/or as human beings' with the aid of all the information and events' presented in this case study and research narrative, which questions' public perception and accuracy of this tragic chapter in American History, among other topics' and views' presented as historical facts, Thank you for your time.

Sincerely,

Daniel Charles Klane

In Memory of all those who perished at Mount Carmel, Texas, from
February to April of 1993, AD/CE.

Rest In Power